the weekly standard

DECEMBER 11, 2000 • $3.95

The Greenspan Mystique

by James K. Glassman

THE ENDLESS CAMPAIGN

FRED BARNES
CHRISTOPHER CALDWELL
NOEMIE EMERY
MATT LABASH
JAMES R. STONER JR.
GEOFFREY WHEATCROFT

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The End of Republican Unity

Like the 17-year locust, Republican unity has made a brief appearance, but it's unlikely to survive the staffing of a putative Bush administration or reappear anytime soon. Even as liberal Democratic consternation over solid GOP support for Bush was growing, the first rumbles of conservative discontent with the likely shape of a new Bush administration began to be felt. Is Pennsylvania governor Tom Ridge, some wondered, really the man to run the Pentagon?

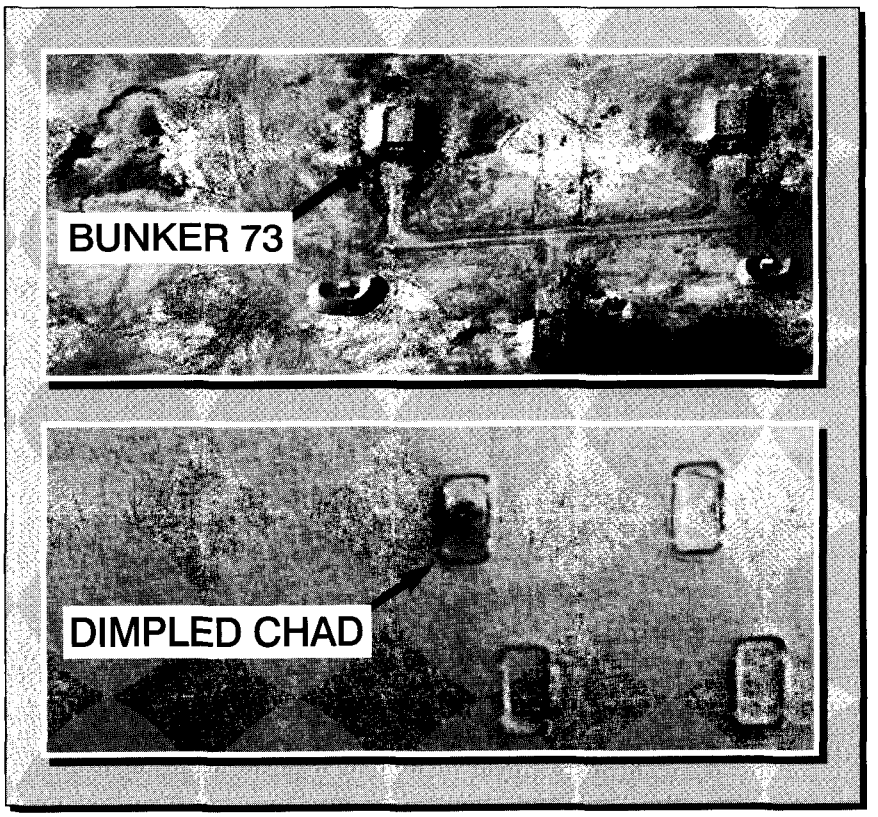
The case for Ridge, besides his friendship with Bush, is that he's "a Vietnam War veteran, which would give him credibility with the troops, and also has experience on Capitol Hill, which would make it easier for him to work with Congress," as Mike Allen reported in the *Washington Post*.

The case against? As this page noted four years ago (when Ridge was one of the favorites to be Bob Dole's running mate), Ridge was not just a moderate during his 12 years as a congressman, but something of a liberal. He opposed President Reagan's Strategic Defense Initiative, the B-2 bomber, and the MX missile and was one of only 16 House Republicans to vote in March 1986 against aid to the Nicaraguan contras.

Meanwhile, the prospect that Bush pal and outgoing Montana governor Marc Racicot may end up as attorney general is also causing heartburn on the right. Republicans are unanimous in their praise of Racicot's post-election Bush spokesman duties. And conservatives like the fact that he is a self-described "pro-life Catholic" who has bragged of signing "more regulatory reform of abortion services in the state of Montana than any governor in the history of the state of Montana." But conservatives also remember Racicot's criticisms of Henry Hyde's Judiciary Committee during the impeachment hearings, his apparent disdain for the Religious Right, and his proposal to add sexual orientation to Montana's hate-crimes law following the murder of Matthew Shepard.

Goodbye unity, hello angst. ♦

Separated at Birth?



AP/Wide World Photos

Aerial view of a destroyed Iraqi nerve-gas facility (top) and a Palm Beach ballot

The Other "Mob" in Miami-Dade

Gore partisans are still complaining about what they term the "rule of the mob" or, more punctiliously, the "near riot" by Republican activists that they claim "intimidated" the three-member Miami-Dade County canvassing board into discontinuing its hand recount the day before Thanksgiving.

The fact that the board doesn't remember being intimidated has not slowed the use of this talking point. Nor has the fact that the board probably deserved some intimidation—for it was probably about to break the law by meeting privately, as some news reports made clear at the time.

Indeed, unlike the unruliness of GOP demonstrators, media "intimidation" may have actually been a factor in the Miami-Dade board's decision. THE SCRAPBOOK has obtained a copy of the handwritten appeal to the board (addressed to elections supervisor David Leahy) signed by 13 members of the press, who seem to have been almost as agitated at the board's deci-

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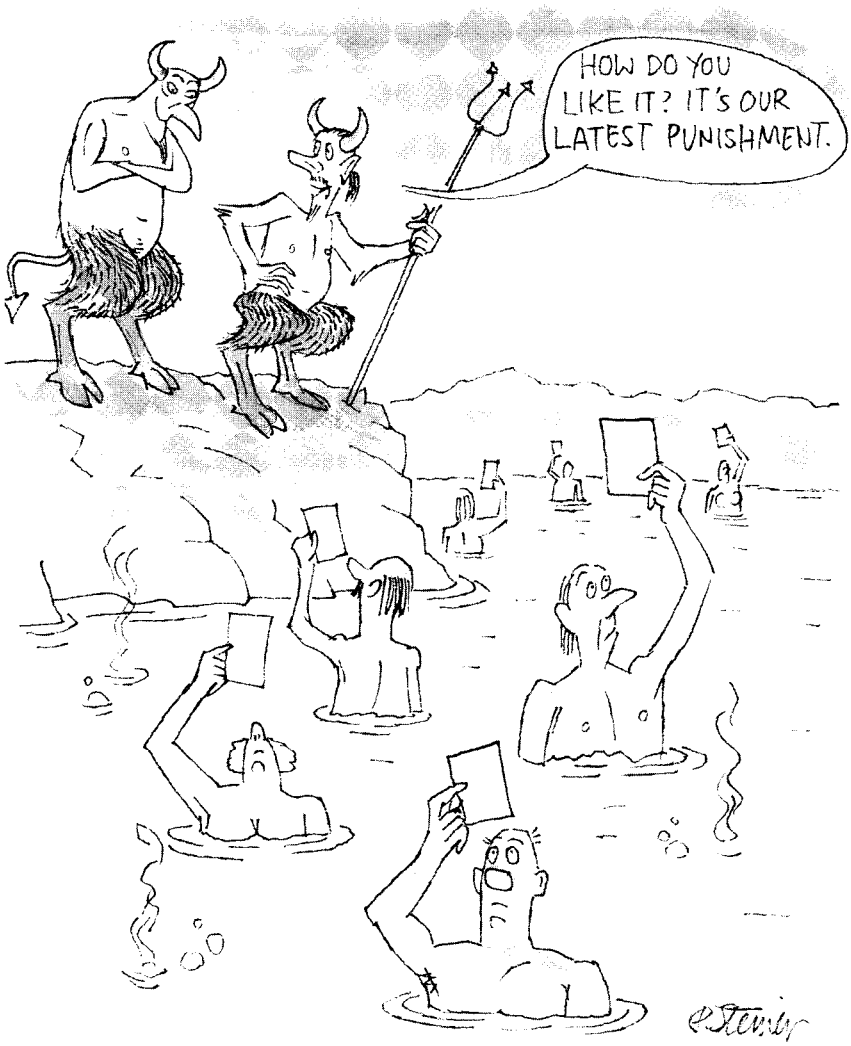
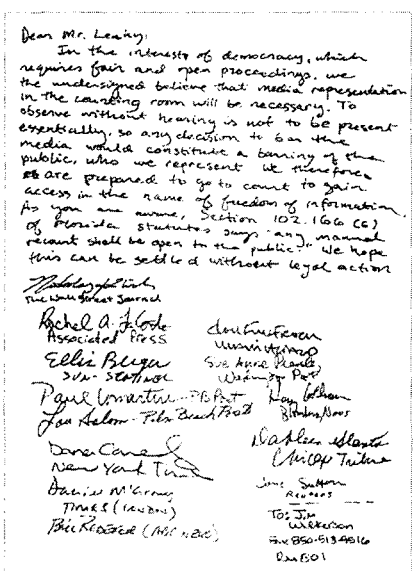
Scrapbook





Dear Mr. Leahy:
In the interests of democracy, which requires fair and open proceedings, we the undersigned believe that media representation in the counting room will be necessary. To observe without hearing is not to be present essentially, so any decision to bar the media would constitute a barring of the public, who we represent. We therefore are prepared to go to court to gain access in the name of freedom of information. As you are aware, Section 102.166 (6) of Florida statutes says "any manual recount shall be open to the public." We hope this can be settled without legal action.

Rachel A. La Corte, Associated Press
Ellis Berger, Sun-Sentinel
Paul Lomartire, Palm Beach Post
Lou Salome, Palm Beach Post
Dana Canedy, New York Times
Daniel McGrory, Times (London)
Bill Redeker, ABC News
Don Finefrock, Miami Herald
Sue Anne Pressley, Washington Post
Henry Goldman, Bloomberg News
Dahleen Glanton, Chicago Tribune
Jane Sutton, Reuters
To: Jim Wilkerson
Fax 850-513-4916
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sion to kick observers out of the room where the count was to take place as were the Bush supporters who banged the doors and yelled, "Voter fraud!"

The press didn't bang on doors; it just threatened a lawsuit. Here's the text of the letter:

Dear Mr. Leahy:
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The letter was signed, Declaration of Independence style, Nicholas Kulish, the *Wall Street Journal*; Rachel A. La Corte, Associated Press; Ellis Berger, (Ft. Lauderdale) *Sun-Sentinel*; Paul Lomartire and Lou Salome, *Palm Beach Post*, Dana Canedy, *New York Times*; Daniel McGrory, *Times* (London); Bill Redeker, ABC News; Don Finefrock, *Miami Herald*; Sue Anne Pressley, *Washington Post*; Henry Goldman, Bloomberg News; Dahleen Glanton, *Chicago Tribune*; Jane Sutton, Reuters. ♦

Jackson's Seminole Wars

Listening to Jesse Jackson's version of events in Florida, you'd think the Republicans were trying to elect George Wallace, not George W. Bush. According to Jackson, in Seminole County, "Republicans went in and began to fill out absentee ballots. That is a case of tampering before the court now. . . . Those are crimes punishable by jail sentences." Actually, Republicans are being sued for filling out absentee ballot *request* forms. And for that matter, the last thing Democrats want is for Judge Nikki Clark to punish local election officials. They want her to throw out Seminole County's absentee ballots, which would throw the election to Gore.

As a modern Talleyrand might put it, Jackson is worse than a liar, he's badly off message. ♦

The Last Laugh

Overheard on the elevator: The latest poll shows that 60 percent of Americans think Gore should concede; the other 40 percent are serving on his legal team. ♦

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Casual

Parties to a Dispute

This Friday night, I am due to have drinks with some friends. But there's a problem: I've been avoiding these people for weeks.

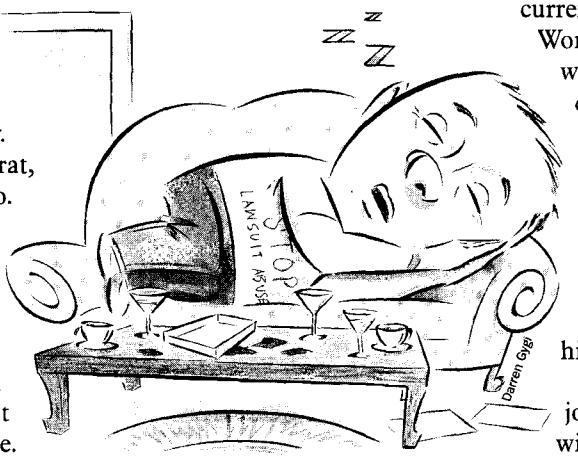
The first sign of trouble appeared on November 8. Like many a fan of politics, I had gone to bed very late the night before. The last election party I'd attended had turned into a middle-of-the-night victory party and then into an early-morning victory-on-hold party. Daybreak had found me asleep on a libertarian friend's couch wearing a borrowed T-shirt that said "Stop Lawsuit Abuse." Only in Washington, kids.

Anyway, I went to lunch that day with several of the friends I am supposed to see on Friday. There were four of us: a Democrat, two Republicans, and one apolitico. Unlike me, the others knew what the morning television shows had been saying. Something about butterfly ballots. The Democrat gently explained that in Palm Beach, Gore's name had been printed second on the ballot but not next to the second punch hole. It could be the basis of a serious challenge, he said.

He was unnaturally soft-spoken, as if straining to sound objective. At this point, before we'd seen a picture of said ballot, the Palm Beach story had a facial plausibility. It actually sounded like Gore's name had been transposed with Pat Buchanan's—which indeed would cause large counting errors. But that was just too unlikely for me to believe. Far more probable seemed the alternative explanation I was entertaining: The Gore campaign had come across a convenient tale of witless confusion and was more than happy to exploit it to reverse a close election. But this meant my good friend—who, it must be stressed, is a decent and thoughtful guy—was an unwitting tool of Gore propagandists.

In mere seconds, a man I respected had, in my mind, been turned into a sucker. One lesson here is that politics is hard on friendship. (Other lessons not so flattering to me we'll pass over in silence.)

A certain type of politician likes to say that things weren't always so partisan, that after a good debate, real statesmen used to retire to the bar for whiskey and branch water, leaving behind all disputatiousness. Maybe it's my relative youth and inexperience, but I have never seen a fight grow peaceful at the introduction of booze. So much the opposite, the vodkas and the scotches have been the only excuse for all of the really vicious political screaming matches I have seen. If not for the liquor, which afterwards everyone cites as a mitigating circumstance, none of the participants would have ever spoken to each other again.



Fortunately, there are ways to relieve political pressure on a friendship. One is not talking to each other, but this quickly starts to seem a lot like not being friends. Agreeing to disagree is a popular solution; too bad it's a despicable sham whereby you promise to look down at each other indefinitely for the wrongheaded opinions you respectively hold dear. The truth shouldn't be shirked, and the truth is, friends fight. And good friends let friends fight. But even the strongest of friendships can weaken under the constant pressure of political controversy. Among my closest buddies, I often detect an unspoken effort to find a reasonable balance: We might avoid each other some, so we're not fighting all the time, but we also accommodate a fair amount of fighting, so that we can remain friends who see each other regularly.

I wish a similar principle had controlling authority among the members of my family. Lately, various relatives have been deluging me with petitions and statements of outrage and even some more elaborate literary efforts. In an example of the latter, the original author (not a relative of mine) asks the reader to picture the current electoral deadlock in a Third World setting. "Imagine," the forwarded e-mail says, that one candidate (Bush) were a member of a corrupt ruling family, and his opponent (Gore) a purehearted representative of the people, many of whom belong to a "despised caste of former slaves" and have risked their lives and livelihoods to vote for him . . .

Imagine . . . a conservative journalist sharing an eggnog toast with his cousin, the man who forwarded the above e-mail message in the belief that it was brilliant and profound. "Oh, I sent you something a few weeks ago. Did you get it?"

I've discovered it's useless to suggest to my relatives that, at a busy time like this, I don't always get around to reading forwarded e-mails. The messages keep coming. And all of them are coming from the left. In my family, the liberals are many and outspoken, while the conservatives are few and quiet. At a recent family gathering, thinking to deepen our friendship, I shared my political inclinations with another cousin. A gay liberal, he snorted, "There's one in every family."

David Skinner

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Another Democrat War

Richard Pollock raises some very good points in "Al Gore's Florida War Room," but I think there is one thing to consider, especially in light of the recent extraordinary events in Florida (Nov. 20). This use of the impeachment-based spin machine—with constant disparagement of opponents' motives, lies, half-truths, and overall beyond-OSHA-limit shrillness—may turn out to be the wrong tool for the job.

President Clinton was facing a deliberative body in favor of acquittal, and his machine was designed to reinforce legislators' doubts about pulling the trigger. The system with Gore is not that simple. Gore is seeking to overturn, not to outlast. And his public relations campaign has not improved his legal stature; actually, it seems to have harmed it.

Getting Paul Begala on TV is not the same kind of victory as getting the election certified. Sure, there will be questions about this election, but in the end, Gore could only burn the barn, not build his own.

Mike Moser
New Orleans, LA

Diagnosing Dershowitz

In light of John Podhoretz's outstanding essay, I think a new term should be coined: Dershowitzism ("The Politics of Personal Destruction," Nov. 27). It's the mistaken belief that one is an expert on every topic that happens to be tied to the lead story on *Rivera Live*.

This is not to be confused with Dershowitzitis. Typically affecting law professors in Cambridge, Massachusetts, this ailment results in the patient believing that DNA testing of Heisman trophy winners accused of murder is less reliable than the subjective judgments of late-middle-aged Palm Beach Democrats gathered around a card table divining the intent of a voter based on the degree of looseness of a ballot's dangling, partially dangling, or pregnant chad.

Francis J. Beckwith
Anaheim Hills, CA

Lincoln on Liberty

Glenn Tinder takes Harry Jaffa's *A New Birth of Freedom* to task for offering "dangerously skimpy grounds for the edifice of equality" ("This Almost-Chosen People," Nov. 27). As proof, he cites Plato and Aristotle to show that human beings "are in fact dramatically unequal," while adding, "They are unequal not only in qualities like physical beauty and strength, and practical ability and theoretical intelligence, but even in moral excellence."

But Tinder fails to acknowledge that Lincoln himself believed, as Jaffa shows, that human beings are unequal in the very respects Tinder noted. In his 1857 speech on the *Dred Scott* case, Lincoln remarked that the American Founders "did not intend to declare all men equal in all respects. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity." They did believe all men to be equal in other politically relevant respects: namely, "certain unalienable rights, among which are life, liberty and the pursuit of happiness." As Jaffa sums it up, "Lincoln will argue that the alleged superiority of any man to another is no justification for denying the intrinsic connection between the fruits of a man's labor and the right to possess those fruits."

As for the "moral authority" of Jaffa's natural law grounding of human equality, Jaffa interprets Lincoln to refute the longstanding divine right of kings with a profound understanding of the Declaration of Independence: "All legitimate authority is derived from the exercise of the rights with which every human soul has been equally endowed by its Creator."

Lucas Morel
Lexington, VA

The Lincoln mythmakers continue to churn out books trying to enhance the man's already bloated legend. Harry V. Jaffa's new book *A New Birth of Freedom* is typical of the Lincoln cult, and it moves reviewer Glenn Tinder to say of Lincoln, "It is virtually unavoidable to think of him as a Christ figure."

But then Tinder makes this criticism: "Jaffa devotes little or no attention to certain interesting and even vital aspects of Lincoln's life and thought."

Some of those "interesting" aspects include Lincoln's actions during the Civil War, such as suspending the right of habeas corpus for all citizens and using Union troops to close over 300 newspapers that did not support his war policy. The list of Lincoln's wartime abuses goes on. If Jaffa had included some of them in his book, Tinder might not consider Lincoln a "Christ figure."

C. Gail Jarvis
Beaufort, SC

I am very grateful for Glenn Tinder's kind review of *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War*. In it, however, he observes that "Jaffa devotes little or no attention to certain interesting and even vital aspects of Lincoln's life and thought. Lincoln's concern with the economics of equality—property rights,

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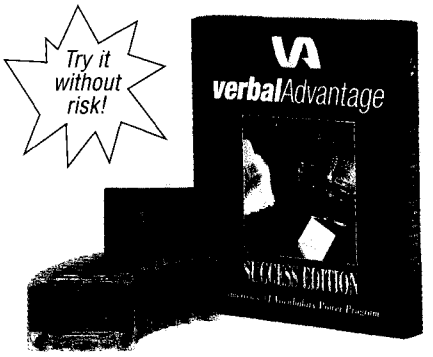

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free labor, self-improvement—is largely neglected." Tinder fails to notice that the present work is intended as the first of two volumes, as is clearly stated in the preface. It ends with Lincoln's message to Congress in special session, July 4, 1861. The topics Tinder mentions are dealt with in Lincoln's annual message to Congress in December 1861, and will be dealt with thoroughly in the work which is to follow.

Tinder also writes that "it is regrettable that so searching a book does not search into the grounds of the natural law and of its moral authority. Human equality has its source, according to Jaffa, in natural law. But does natural law possess moral authority in the absence of any idea that nature manifests a principle that is virtually divine, as in Plato and Aristotle, or created by God, as in Judaism and Christianity? Surprisingly, Jaffa never asks."

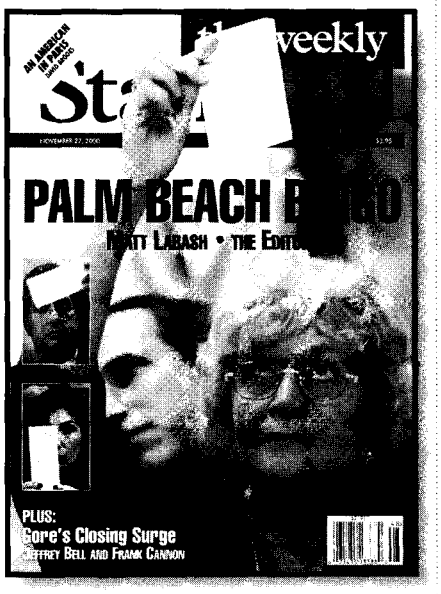
In fact, this question dominates my entire work. In it, the Declaration of Independence, and its teaching on equality, is presented as the culminating event in the post-classical world, and as the fulfillment of a promise inherent in both classical philosophy and biblical revelation. It is that each human person, by nature possessed of the divine image, shall be treated as an end in himself, and not a means, as with the lower orders of creation. The natural rights possessed equally by each human being are rights with which he is "endowed by his Creator." This means that the proper exercise of those rights is not arbitrary or idiosyncratic, but can only be in accordance with a rational order inherent in creation.

The Declaration of Independence expresses a conviction—dominant in the soul of Abraham Lincoln—in the divine government of the universe, which sets the pattern for the moral legal order of constitutional government. The French Revolution set a false conception of reason in hostile opposition to a mistaken conception of revelation.

The American Revolution, in contrast, for the first time in human history, sought and found a political order in which a mutually beneficial harmony of faith and reason formed the moral ground of constitutional government. This ground, however, could be achieved in deed, no less than in speech, only by the extinction of slavery.

HARRY V. JAFFA
Claremont, CA

GLENN TINDER RESPONDS: The moral force of Harry Jaffa's statement about natural law indicates why *A New Birth of Freedom* is a powerful and valuable work. That the theme of the statement "dominates" the work is to me entirely credible. I meant only to say, in my review, that I think it needs to be far more explicitly and fully articulated than it is. I hope this too will take place in the coming volume.



FLORIDA FAUX PAS

IN "DELIVER US FROM PALM BEACH," Matt Labash fell prey to one of America's true comic geniuses (Nov. 20). I was surprised when Labash started his column by alluding to the lunatics on a South Florida radio talk show. There is virtually no political talk down here. But as he went on, the calls started to sound familiar. He was referring to a Phil Hendrie episode!

Being in Hendrie-deprived D.C., Labash and many WEEKLY STANDARD readers may not be familiar with this manic combination of Andy Kaufman and Mel Blanc. I'll try not to give anything away about his show. But if any WEEKLY STANDARD readers are Hendrie listeners, they are as delighted as I that one of our leading journals of serious political thought quoted "Dave Oliva." Perfect.

JOHN COOK
Miami, FL

MATT LABASH ATTEMPTED to recount the nutty talk-radio callers he heard on the Florida A.M. dial, but I'm afraid he's been had. Labash is yet one more listener taken in by the nationally syndicated *Phil Hendrie Show*. Hendrie, based in Los Angeles, is a brilliant satirist who provides the voices of a bevy of outrageous call-in guests—in the best "radio ventriloquism" since Edgar Bergen.

The format is this: Hendrie either introduces a guest (voiced by himself) or takes a supposedly spontaneous call (voiced by himself). The guest starts out with an assertion that sounds provocative, but not out of the realm of possibility. The guest's views get progressively nuttier, and listeners call in to argue. Hendrie usually takes the caller's side against the guest, making it all the more unlikely that callers will catch on.

Hendrie is a Democrat who skewers liberals almost as often as conservatives. (He's also a Gore voter who railed against his candidate's immaturity in not accepting the election's results.) His audience is made up primarily of listeners who are onto his shtick. The callers are people scanning the dial (he never seems to run out of them, either). Presumably, first-time listeners eventually realize what the show is all about and resolve not to listen again, or, as I did, become huge fans.

EDWARD HOFMEISTER
Via e-mail

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the weekly Standard

The War over Gore

"WHEREFORE, Plaintiffs pray that the court . . . order that the Elections Canvassing Commission, Secretary of State, and the Division of Elections certify as elected the presidential electors of Al Gore and Joe Lieberman."
—Al Gore, asking the Circuit Court of Leon County, Florida, to name him president of the United States, November 27, 2000

By a process intellectual historians will one day scratch their heads bloody over, articulate Americans—a good many of them, anyway—seem lately to have rejected the very possibility of honest argument about issues of great public moment. In the pages of our finest newspapers, for example, whenever national politics give rise to some especially divisive controversy, it is simply assumed, and assumed appropriate, that each party to the conflict will grunt and claw toward its desired goal by every available legal and rhetorical means. It is assumed that neither side's asserted objections to the other's designs can be intrinsically respectable. It is assumed, indeed, that the more vigorously such objections are advanced, the less respectable they likely are.

It is assumed, that is to say, that our debates are mere sport; that their results, especially if they carry a veneer of judicial sanction, are always more or less self-validating; and that any and all claims about what ought to be the results are self-defeating. Because the claimants are inevitably "partisans," you see. And in the mouths of "partisans," arguments about reality and principle are rarely much more than home-team cheerleading—which only a fool would ever take seriously.

So it is that the nation's professional discourse-shapers watch Al Gore's attempt to have himself declared president—as the legal complaint we quote above makes baldly obvious—by a local judge. By a local judge, and by a fifth tabulation of Florida's popular vote, where four previous tabulations have proved unavailing. And by a fifth tabulation performed to specifications fashioned specially for the occasion, after the fact, so as to vindicate a "law" no one dreamed existed before Election Day. It has come to American journalism's attention that some people are unusually hot and bothered about what's going on here, and American journalism has dug deep to find out why. Turns out it is "conservatives" who are upset. Which means, of course, the "news analyses" explain, that the true origin of—and best explanation for—any current anger with the vice president is pre-existing partisanship and partisanship's attendant mental illness. "Conservatives" want George W. Bush's tax cut. "Conservatives" (who are "paranoid" verging on "insane," in the medical judgment of the scrupulously nonpartisan *New Republic*) have transferred an irrational animus against Bill Clinton to Al Gore. "Conservatives" therefore disdain Gore's post-election machinations in Florida. Enough said.

We dissent. We dissent from the view, implicit in all this, that "consider the source" might ever serve as a sufficient rejoinder in American political debate. We continue to believe, instead, that the justice of a man's particular case has everything to do with what exactly he says and does about it—and almost nothing to do with who his regular dinner guests might be. Where Al Gore's ongoing struggle for Florida's 25 electoral votes is concerned, for example, we think it hardly worth mentioning that he is a "liberal"—whatever that means nowadays—and quite important, even dispositive, by contrast, whether Gore's specific claims actually have merit.

We would not have thought there could be anything especially "conservative" about insisting on this question. And we cannot see how reference to this magazine's conservatism—or anyone else's—might by itself be enough to disprove or neutralize our conclusion: that Gore's weeks-long effort to reverse the apparent result of a national election has been characterized, start to finish, by extraordinary distortions of rhetoric and law. And that by his willingness to bulldoze through central institutions and processes of American government this way, Gore has revealed himself to be an altogether unpresidential prospective president.

Our bases for such a conclusion are hardly obscure. In the middle of the night November 8, just hours after the polls closed on Election Day, two horns honked loudest in Nashville. There was that truculent insistence that Gore had won the nationwide popular vote, carrying with it the vague and anti-constitutional suggestion that a Bush presidency would be offensive to democracy. And, of far greater practical consequence, there was that startlingly confident allegation that Gore had had an Electoral College majority stolen from him—by means of an "illegal"

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ballot design in Palm Beach County that nullified thousands of otherwise victory-clinching Democratic votes.

We want to be clear about something here: Had this charge been true, THE WEEKLY STANDARD would have been as troubled as anyone about its implications, and we would undoubtedly be publishing a very different editorial this week. The fact remains, however, that Gore's aides could not have known the charge to be true when they made it. And their many supporters in the petition-signing and talk-show-hollering communities could not have known the charge to be true when they obediently echoed it. And that group of Palm Beach plaintiffs could not have known the charge to be true when they just-as-obediently transformed it into a series of state-court lawsuits demanding a second chance to put Al Gore in the White House—through a patently unconstitutional, extra-innings local "re-vote" of the presidential ballot. (Or, as they would later bizarrely propose in legal filings few reporters have bothered to examine, through a judge-ordered mathematical "reapportionment" to Gore of "at least 7,000" Palm Beach votes, a number that has been established correct to a "near absolute scientific certainty" by "some of the most respected statisticians in the county [*sic*].")

These people could not have known their charge about the Palm Beach "butterfly ballot" to be true . . . because it was false. The ballot was legal, and no one any longer much bothers to pretend otherwise. But in those key first few days, the objective truth or falsity of the "butterfly" complaint was not the point, and its intended political effect was realized regardless: The widespread impression obtained that the initial result of Florida's decisive popular vote was not just painfully close, but quite possibly tainted by wrongdoing. Which hint of taint then helped rationalize, as common-sense prudence and equity, what would otherwise have appeared ludicrously incautious and unequitable: a Gore-campaign-instigated and standardless "recount" of invalid or incomplete Election Day ballots—conducted by Democratic election officials in four heavily Democratic Florida counties.

As the world now knows, Florida law broadly authorizes a post-election "protest" period during which candidates may request, and local canvassing boards may decide to perform, such recounts. The boards may amend their original returns as a result of those recounts, and they are entitled to have the amendments counted—provided the retabulations are delivered to Florida's secretary of state within seven days of the election. On November 14, that deadline arrived, with recounts in three of Gore's chosen counties still underway, and with Bush still maintaining a nearly 1,000-vote statewide lead. So Gore's attorneys brought suit to have the deadline "interpreted" by the Florida Supreme Court. Having authorized post-election manual recounts, David Boies informed the justices, the state legislature could not have meant a seven-day deadline for their completion to be hard and fast. For "full manual recounts could almost never be completed timely in Florida's larger counties." It "can't be done in a week," agreed state attorney general Bob Butterworth, Florida chairman of the Gore campaign.

As the world now knows, too, the Florida Supreme Court bought this argument on November 21 and, abjuring what it called "hypertechnical reliance upon statutory provisions" enacted by the legislature, invalidated the seven-day recount deadline and extended it to nineteen days, through November 26. This ruling raised an impressive host of complications where the U.S. Constitution and federal statutes are concerned. Among other things, Article II of the Constitution vests exclusive authority to determine the means by which a state's presidential electors will be selected with each state's legislature, not with its courts. Which would plainly suggest that Florida's legislature was entitled to establish a seven-day deadline for post-election recounts—and that Florida's supreme court was not entitled to extend that deadline almost three-fold.

Last week's big news was George W. Bush's challenge of this Tallahassee judicial edict before the U.S. Supreme Court. We have no idea how the high court will untangle the unprecedented mess it now confronts—or even whether it will try to. Meantime, though, we would call your attention to a little detail that's been almost lost in all the jurisprudential hubbub.

On the same day the Florida Supreme Court agreed with David Boies and decided that no large county in that state could finish a full presidential vote recount in seven days, one large Florida county, Broward County, had all but finished its full presidential vote recount—in six days. And on the same day last week that another Al Gore advocate, Harvard professor Laurence Tribe, was defending this thinly rationalized Florida Supreme Court ruling, as proper and necessary, to the federal Supreme Court in Washington, David Boies was . . .

Well, David Boies was back in Tallahassee, demanding that the Leon County Circuit Court ignore the decision Tribe called final and binding. On November 26, you see, Gore still trailed Bush by several hundred Florida popular votes. So the November 26 deadline, too, must fall, apparently. Nineteen days isn't enough. And how many more days will be enough? Oh, we can do it all in "seven days, starting tomorrow," promises the vice president himself. Seven more days: that is, the same amount of time that was supposed to be insufficient in the first place.

We think it a positive travesty that Al Gore would be eager to accede to the American presidency this way: by dint of so much dishonesty and self-contradiction, and as a consequence of so many manipulations of established law and governmental procedure. And if it is now the case that one must be "conservative" to share our alarm, that is a shame.

—David Tell, for the Editors

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Katherine the Great

Florida's secretary of state is beautiful and brave.

BY CHRISTOPHER CALDWELL

WHAT'LL BECOME OF Katherine Harris? During the stormy two and a half weeks between Election Day and her final certification of George Bush as winner of Florida's 25 electoral votes on November 26, the Florida secretary of state was accused of being opportunistic, partisan, corrupt, and stupid.

Opportunistic is about the only characterization of Harris that has not caught on in popular cliché. For good reason. It's true that Harris had spoken aloud of wanting to be an ambassador someday. But if she was subordinating her principles to her hopes of a diplomatic career, the strategy of infuriating nine-tenths of the press and all the Democratic U.S. senators who will vote to confirm ambassadors was a mighty strange way of going about it. To describe Harris's actions as careerist, in fact, was the most *implausible* slander since Ken Starr was accused of taking the independent counsel's job as a means of angling for a seat on the U.S. Supreme Court.

Nor was excessive partisanship a failing anyone had remarked in Harris before the recount controversy. Her entire family are Democrats, most prominently her grandfather, the oranges-and-cattle magnate Ben Hill Griffin Jr., who served several terms in the Florida Senate. It was the late governor Lawton Chiles, one of the most partisan Democrats in recent Florida history, who nominated her to the board of Sarasota's Ringling Museum of Art, thereby launching her political career. Harris, whose financial disclosure statements show her to be worth $6.5 million (her father was a bank president, and her husband, a Swedish entrepreneur who installs yacht fittings, is even richer), is a familiar sort of scarcely partisan affluent Republican. (The demographer Ruy Teixeira shows in the current issue of the *American Prospect* that the richest women—those who earn more than $75,000 a year—are now a Democratic constituency, and broke for Gore in this election.)

Katherine Harris

Earl Kelleny

Harris is a creature of the art world who has spent much more time in the company of—and appears considerably more comfortable with—Democrats. When the controversy in Florida first broke after Election Day, the law firm to which she turned for legal advice was Steel, Hector & Davis, the heavily Democratic Tallahassee firm whose best-known former partner is Janet Reno. Early in the ballot ruckus, before partisanship drowned out comity, Democrats had little but good to say about her. Senator Bob Graham called her "a good person who is trying to carry out her job." Democratic lobbyist Ron Book said she'd been "a diligent member of the Florida Senate." Even Gore's camp was chary of making a case they couldn't prove: When Harris refused to extend the deadline for hand-counting ballots, Warren Christopher would describe her act only as "*a move in the direction of* partisan politics."

It's true that Harris was one of eight Florida co-chairs for Bush, and that she was a Bush delegate at the Philadelphia convention. But the Florida Republican establishment has always been distinctly uneasy with her, and opposed her successful run for the state Senate in 1994. When Harris challenged Jeb Bush's protégé (and scandal-tarred ex-running mate) Sandra Mortham for secretary of state in 1998, Bush (naturally) backed Mortham. Nor has Harris been much of a loyalist since she's been in office. She was one of two state officials to publicly oppose Bush's ban on allowing gambling cruise boats to dock at state facilities. Phone and e-mail records released November 17 in accordance with Florida's liberal freedom of information laws showed no coordination with the Bush campaign. In fact, she appeared to have had scarcely any contact with Republicans at all. When state senator Tom Lee visited her eight days after the election, he was the first Republican to do so.

Then there's the claim that Harris was corrupt. Much has been made of

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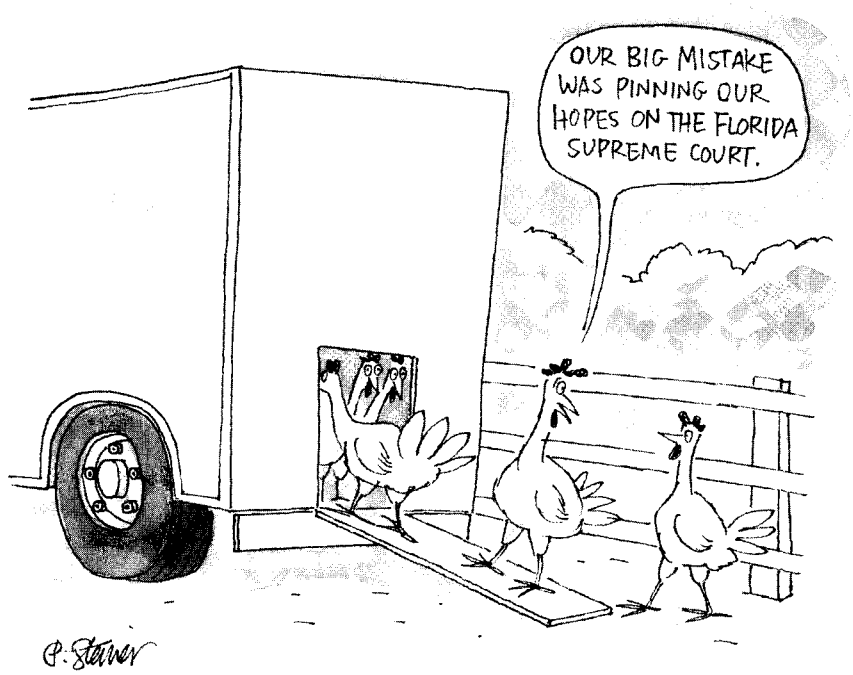
her acceptance, in 1998, of $20,600 from Riscorp, a Sarasota insurance company; it's been less often noted that she was one of 96 candidates who accepted Riscorp money. It has been noted that her spending on international trade missions has been considerable—$106,000 thus far during her term in office, which is three times the governor's expenses. But all these expenses have to be approved by the state Senate, and they've run roughly at the level of her predecessor Mortham's spending. Much of this is simply yokel lack of perspective. The *St. Petersburg Times* reported that Harris had stayed in a $485 hotel room in Manhattan—perhaps not realizing that all that buys in New York is an average room—and that she stays in the Willard when in Washington, D.C., a nice hotel, to be sure, but hardly Washington's most luxurious, and not so expensive as to be beyond the range of writers for the *St. Petersburg Times*.



This tough treatment might explain Harris's cat-got-the-canary smirk and the unnecessary political pontificating with which she finally announced Florida's certified results a couple hours after the state supreme court's deadline on November 26. Has her demonization by Democrats and Gore supporters been so swift and disorienting that it turned her, overnight, into the radical of their wildest claims? Or is there a core of principle there? Probably the latter. Harris's approach to the law, while arguable, has been rigorous, and always internally consistent.

The Florida constitution gives Harris a degree of discretion over whether to allow hand recounts or not. Democrats may not have liked her initial decision, but it *was* based on an understanding of law. By her reckoning, the Florida code calls for extensions, recounts, and acceptance of late returns in cases of certain "facts and circumstances": (1) proven voter fraud, (2) "substantial noncompliance with statutory election procedures," and (3) "extenuating circumstances," such as natural disasters. Harris believed the grounds Democrats offered were "insufficient to warrant waiver of the unambiguous filing deadline." The all-Democratic Florida Supreme Court disagreed with her reasoning, and granted Al Gore an extra 12 days to seek hand counts in counties of his choosing. But the decision of the U.S. Supreme Court to review the state court's ruling suggests that Harris's reasoning was not specious.

One can find fault with Harris's tone, but in remarks leading up to the final certification she laid her principles on the line and made clear that she did not believe the Florida Supreme Court had a better understanding of Florida law than she did. She certainly has exercised good judgment. It was the sotto voce opinion of many Republicans that Harris ought to have included Palm Beach's partial recount, especially since the final count arrived only a couple hours after the 5 P.M. deadline set by the Florida Supreme Court. It would not have affected the final outcome, Republicans thought, and it would have been acting like a gracious winner.

Harris was almost alone in understanding that extending the deadline once more would have been a catastrophe that invited indefinite litigation. That's because the Gore campaign has proved willing to appropriate its adversaries' principles for its own courtroom uses. Gore counsel Teresa Roseborough, for instance, claimed on CNN last week that a Bush *victory* in the U.S. Supreme Court case would invalidate Bush's certified victory at the polls, since it "would give Congress the opportunity to decide that they were not the properly seated set of electors." In other words, if the extended deadline the Gore campaign sued for proves unconstitutional, Bush should be punished.

If Harris had allowed a partial recount of the Palm Beach votes, or if she had accepted the full recount two hours late, she would have undercut her previous rationale in arguing that the November 14 deadline for hand recounts was statutory and non-negotiable. Gore, in turn, would have claimed that she had failed to inform Dade County that partial counts were acceptable—making necessary a new hand count—and had effectively lied to Democrats about the actual deadline.

Ever since Newt Gingrich proved

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such a handy whipping boy for Democrats during the 104th Congress, the American Left has tried to create entertaining villain narratives around its political foes. The Left would love to cast Harris as the second coming of the ungainly Linda Tripp. Unfortunately for them, Mrs. Harris is pretty and charming. Foreign newspapers, unlikely to have a dog in this fight, have almost unanimously found her engaging, even fascinating. (London's *Sunday Telegraph* called her "the foxy, fashion-crazed Ms. Harris.") So, perhaps strangely for the party of feminism, Gore supporters have extrapolated from Harris's prettiness to the assumption that she's evil, as Paul Begala did in dubbing her Cruella De Vil, or Gore spokesman Chris Lehane did in calling her a "hack," or legal hack Alan Dershowitz did in calling her a "crook." (Compared, presumably, with such uniformly upstanding Dershowitz clients as O.J. Simpson.)

Even stranger are those who view Harris's beauty as evidence of idiocy. "Attention debutantes. Calling all Junior Leaguers and Barbie collectors," wrote Frank Cerabino of the *Palm Beach Post*. ". . . You look at Harris, and you can see the vast emptiness there, and the need for the handlers who walk her back and forth to her podium, and answer all the questions that go beyond her script." It's odd that Cerabino would use "emptiness" to describe a woman who speaks more languages than he does, reads Flannery O'Connor for pleasure, has a master's degree from Harvard in public administration, has studied art in Spain and philosophy and religion in Switzerland, and plays the accordion.

This is not to claim Harris is a leading intellectual of our time. But she's highly intelligent, and, even more frustrating to the Gore side, had the backbone to stand firm against a cyclone of media vilification in recent years. Agree with her decisions or not, she showed she had little in common with the bimbo or Barbie described by Cerabino and much of the national media. They wish. ♦

A Bipartisan Bush?

Whether to fight Hill Democrats or embrace them, that is the question. BY FRED BARNES

GEORGE W. BUSH has met Tom Daschle, the Senate minority leader, exactly once. That was at the funeral of Republican senator Paul Coverdell of Georgia last July. Bush has never met Dick Gephardt, the House Democratic boss. So, obviously, he's never done any political, legislative, or public policy business with either of them. Bush will soon have to, assuming he becomes president on January 20. Which leads to the fundamental question he'll face in dealing with Congress: How much should he collaborate with, offer concessions to, or compromise with the two Democratic congressional leaders?

As he figures out the answer, Bush will keep three goals of his presidency in mind. He aims to achieve all three at once, and Daschle and Gephardt won't make that easy. The first goal is to produce tangible results, including signing legislation passed by a Congress in which Republicans have only the tiniest of majorities. The second is to hold onto his political base, which consists chiefly of conservatives—and social conservatives in particular. The third is to create a new, more amicable tone in Washington.

Achieving one and three might be easy. He could forget his campaign issues (tax cuts, Social Security reform, vouchers, missile defense) and embrace the Democratic agenda (prescription drug benefit, patients' bill of rights, campaign finance reform). This would alienate his base, and it would please Daschle and Gephardt and thrill the media, which would declare a joyful new era of cooperation in Washington. But Bush has seen firsthand the grief this might bring. His father, President Bush, broke his no-new-taxes pledge and his promise to cut capital gains taxes, and he went along with stringent Clean Air Act revisions, the budget deal of 1990, the Americans with Disabilities Act, and the Civil Rights Act of 1991. The GOP base soured on him, he got no credit from Democrats, and he lost the White House to Bill Clinton in 1992.

Goals one and two (get results and please conservatives) are also attainable. The risk is infuriating Daschle, Gephardt, and the Democratic hordes, putting the press in a tizzy, and failing to lighten the mood inside the Beltway. These may be risks worth taking, but Bush doesn't plan to take them.

Instead, as best I can tell, Bush favors a two-track strategy in which he will fight Daschle and Gephardt and woo them at the same time. At the very least, this is the preferred strategy of the two members of Congress most influential with Bush at the moment, representatives Roy Blunt of Missouri and Rob Portman of Ohio. Blunt was the House GOP's liaison to the Bush campaign, and Portman is close to Bush, having served on the White House staff of Bush Sr. How would a two-track scheme work? Bush would cherry-pick Democrats to vote for popular conservative measures that cleared Congress but were vetoed by President Clinton or got bottled up on Capitol Hill. Simultaneously, he'd negotiate with Democratic leaders on big issues—Social Security, Medicare, education—on which their cooperation is critical.

For weeks now, Karl Rove, Bush's chief strategist, has been seeking advice from conservatives and Republicans on how Bush might govern in a bipartisan fashion from a GOP base. One person he talked to was conserva-

Fred Barnes is executive editor of THE WEEKLY STANDARD.

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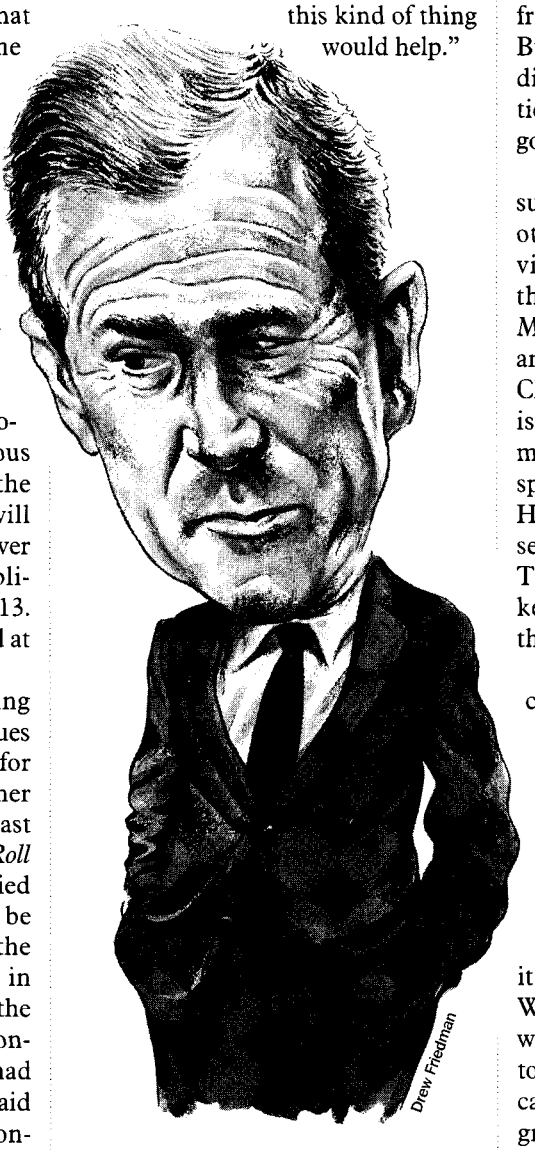
tive Grover Norquist of Americans for Tax Reform. Norquist offered up a list of 10 items of "conservative legislation" that have "broad bipartisan support." Included were repeal of the marriage penalty, the death tax, and the excise tax on phones, a ban on partial-birth abortion, bankruptcy reform, expansion of IRAs, and the Medicare reform proposal of Democratic senator John Breaux of Louisiana. What's striking is that Blunt wants to move on the same bills.

"There are Democrats who are eager to be with Republicans on specific issues," says Blunt. Roughly 60 to 80 House Democrats "form the universe" from which votes can be plucked. Only one or two dozen members might become part of a moderate-conservative coalition, Blunt says, and "a constantly changing cast of characters" would defect from the Democratic caucuses and support various Bush-backed legislation. In the House, the cherry-pick tactic will work, he insists. "We can do whatever we need to in the House." Republicans control the House, 222-213. Making headway in the Senate, tied at 50-50, would be far more difficult.

For Bush, the danger in fighting Daschle and Gephardt on these issues is that it might chill prospects for bipartisan collaboration on other issues. Daschle, in an interview last week with Morton Kondracke of *Roll Call*, suggested as much. "If he tried to peel off Democrats, it could be divisive, and it hasn't worked in the past," Daschle said. Bush's tone in claiming victory on November 26, the senator said, "appeared more confrontational than I wished it had been." Among other things, Bush said he'd "work with members of Congress from both parties to reduce tax rates for everyone who pays income taxes in America." Daschle said the tax issue would be "a tough nut [for Bush] to crack." Gephardt, too, thinks picking off Democrats on conservative issues would clash with what he calls "genuine bipartisanship."

What Daschle and Gephardt have in mind would be Bush's negotiations on most issues, as President Eisenhower did in the 1950s with House speaker Sam Rayburn and Senate majority leader Lyndon Johnson. "Before I leave here, I'd like to experience something like that," Daschle told Kondracke. He said Bush should establish regular meetings with Democratic congressional leaders. "If we're going to wipe the slate clean, this kind of thing would help."



Bush can work around Gephardt, but not Daschle. It takes 60 votes to kill a filibuster in the Senate, and Republicans would have trouble mustering a minimum of 10 Democrats. But Portman, whose wife once worked for Daschle, thinks it might not come to that. "I think Tom Daschle is someone a President Bush can work with. As majority leader, he carried a lot of water for President Clinton, and he did well, just as Bob Dole did for President Bush. But this will be a different time, and George Bush will be a different type of president. He will reach out, and I think Tom Daschle will respond." Blunt wonders if Bush, in cultivating Daschle, might "pull a Bullock on him." In Texas, Bush became close friends with lieutenant governor Bob Bullock, a Democrat. Bullock, who died in 1999, aided Bush on legislation and backed him for reelection as governor.

Bush will have a high-visibility surrogate in courting Daschle and other Democrats: Dick Cheney. As vice president, Cheney would have the tie-breaking vote in the Senate. More than that, Blunt says, both Bush and Cheney have told him that Cheney will be "the leader of the legislative effort." Cheney, a House member from 1978 to 1989, will spend considerable time on Capitol Hill, meeting with senators and representatives and "getting in front of a TV camera." Blunt says "serving as key legislative strategist is the best thing Cheney could do."

In the end, Bush may have to choose among goals. If the clash is between preserving his base and creating nice atmospherics in Washington by caving in to Daschle and Gephardt, he'd be wise to stick with his base. He should again recall the mistake his father made: Bush Sr. neglected his base, and then when he was in political need, it wasn't there. A good way for George W. to start satisfying conservatives would be to rescind immediately Clinton's executive order allowing American funds to go to international groups promoting abortion. Another would be to promote tort reform, the bane of Democratic trial lawyers. The best way would be to insist on an across-the-board tax cut in the 2001 budget resolution, which can't be filibustered. Daschle and Gephardt would fume. Better that, however, than becoming a president without a large and loyal band of followers. ♦

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Nothing to Sneer At

The Brits should stop gloating about the American election. BY GEOFFREY WHEATCROFT

Bath, England

IN THE MISFORTUNE of our best friends, we always find something not displeasing, said La Rochefoucauld. He would have seen that sour truth about human nature borne out again, in his country and mine, over the past month, as we have contemplated the misfortunes of our American friends.

From this side of the Atlantic, the most obnoxious thing about the American election has been not the legal and constitutional difficulties in Florida, but the contemptuous reaction in Europe. The London columnist Auberon Waugh wrote last week that we must not "gloat over America's present problems." Assuming charitably that his advice was not proffered in ironical spirit, it hasn't been heeded. There has been a glut of gloating, a shower of *Schadenfreude*. As a critical admirer of the United States who has no difficulty in descrying real failings in American politics and society, I have grimaced like the simplest American patriot at the insulting tone of this coverage.

Part of the reaction in Europe stems from sheer anger and incomprehension at the likely result of the election. Too many Europeans are plainly incredulous that someone so far from their own beau idéal of the statesman as George W. Bush might win. One writer in *Le Monde*—that epicenter of Parisian intellectual disdain for all things American—thinks a Bush presidency will signify the "*crétinisation*" of American politics.

Geoffrey Wheatcroft is an English journalist. His last book, The Controversy of Zion, *won a National Jewish Book Award.*

Other pundits have expressed dismay that the non-interventionist Colin Powell might soon be directing American foreign policy, or at Condoleezza Rice's suggestion that American troops will be withdrawn from the Balkans. Behind that dismay lurks something else: a dim awareness that Europe has had its defense tab picked up by America for 50 years past, and that this particular free lunch may be coming to an end.

And yet, leaving aside policies and policymakers, just what is so contemptible about American political practices? And who are we to sneer? The United States was the world's first great exercise in popular government, and any detached European observer, let alone the proverbial man from Mars, would have to say that the truly astonishing thing about "democracy in America" since Tocqueville's time has been its success, not its failures.

Even the lurid shenanigans of this year's election have been, as they say, a problem of success. Although I was in America for two weeks in October (and came home with merely a hunch, which required no particular insight or genius, that Bush would win narrowly), I didn't cover polling day from Olympia to Tallahassee.

But when the *Los Angeles Times* says that it was the cleanest election in American history, I am quite prepared to believe it. In a genuine democracy where the votes are counted by the million, a close-run election will always be problematic. No such difficulties ever arose, after all, in the quaintly and pleonastically named people's democracies, where 99.9 percent reliably voted for the ruling party, with no recounts needed and no quarrels over dimpled chads.

Many Englishmen instinctively believe that American politics are both infantile and corrupt. One should never underestimate lingering English prejudice against the United States, however much we like your dollars. It touches both the old anti-American left and the even older High Tory right. These critics find the very idea of the Electoral College risible. It's true, in my view, that America has sometimes been tardy in mending its constitutional arrangements when they plainly are broke. The Constitution is the greatest political work of man, but not inerrant.

But who, I repeat, are Europeans to sneer at dodgy practices—or the "unfairness" of a candidate's winning the election without winning a majority of the popular vote? Representative government took centuries to evolve in England, and until quite recently politics here were flagrantly corrupt—see Hogarth's splendid engravings of a parliamentary election, or read the Eatanswill election chapter in *The Pickwick Papers*. The House of Commons elected in 1841 was known affectionately as "the bought parliament." Well into the 20th century, there were often interminable recounts at the polls, and attempts, sometimes successful, to unseat MPs on petition.

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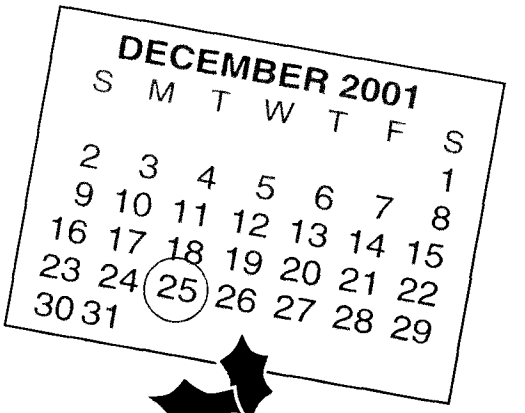

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As to absolute fairness, every country where I have covered elections has a political culture that is unfair in one way or another. In Ireland, an electoral system known as the single transferrable vote makes it difficult for any party to win a parliamentary majority, while smaller parties sell themselves to the highest bidder. In Israel, a pure form of proportional representation means that no one party ever has a majority and forming a stable government is painfully difficult (ask Ehud Barak). Worse still is the perverse effect by which very small parties have a stranglehold on power and dictate terms against the wishes of the majority.

And in Britain? On his first visit here after Tony Blair won a landslide victory in 1997, Bill Clinton said with a cheeky grin that he had come to learn, not lecture. He would love to have a legislative majority of 179, he told us. I bet he would. Any political leader might envy Blair's feat of winning 63 percent of parliamentary seats with 43 percent of the popular vote.

At least Blair took a plurality of votes as well as seats. In the 1951 general election, the Labour party won 13,948,605 votes to the Conservatives' 13,717,538, but thanks to the vagaries of the electoral system, the Tories won a majority of seats (and went on to govern for 13 years). In the first of two elections in 1974, it was the other way around. The Tories got 229,663 more votes than Labour, yet Labour "won" the election and formed a government even without a parliamentary majority.

But the eccentricities of different electoral systems are not my point. What might have been a thoughtful if dry discussion of electoral arrangements, and a recognition that the Americans—for all the anger steaming out of partisans on all sides—haven't been handling their election badly, we here have chosen to snigger. Of course, it may be that we are uneasily aware of owing some sort of debt to the Yanks over the course of the 20th century. But then, as a saying older than La Rochefoucauld's has it, no good deed goes unpunished. ♦

Save the Electoral College 538

It's more sensible and more democratic than the alternative. BY JAMES R. STONER JR.

BEHIND AL GORE'S unprecedented challenge to George W. Bush's slim but certified majority of electors is the vice president's claim to the moral and political high ground based on having won the popular vote. For now, the recount in Florida is at issue, but soon the fight may move to the Electoral College, whose members will be importuned to respect the "will of the people" and defect from the ticket to which they are pledged. Democrats need recruit only three such "faithless electors" to secure the plebiscitary outcome they desire.

To that end, they will try to delegitimize the Electoral College, a part of our constitutional system that prominent Democrats and allied academics have long denounced as anachronistic and undemocratic. Sure enough, shortly after the election, calls for the abolition of the Electoral College appeared in the *New York Times* and on the lips of senator-elect Hillary Rodham Clinton.

In the last few weeks, able defenses of the Electoral College have also begun appearing. These stress mostly its practical advantages. Sometimes it insures that small states get noticed in presidential elections. Sometimes it heightens the importance of major centers of population. Often it turns relatively weak popular pluralities into decisive electoral victories (as in Lincoln's first election and both of Clinton's). And it discourages third parties and avoids the chaos and danger of nationwide recounts.

Sometimes the defenders take a constitutional tack, placing the Electoral College among the several institutional arrangements of the federal government that check and balance national majorities: the separation of powers, bicameralism, equal representation of states in the Senate, the independence of the courts, the rule of law itself. No one, of course, is an originalist on this point, since the Electoral College quickly ceased to be an assembly of notables exercising their own judgment and became a mere conduit of party competition. Still, an appreciation of the constitutionalist position is essential in the present controversy. To discount the Electoral College now would be to change the rules after the game was played. Had winning the popular vote been thought decisive, some voters might well have voted differently, and the candidates certainly would have campaigned differently, fighting hard for votes in states, especially big states, even after they had concluded their opponent would carry them.

But what is usually overlooked, and to my mind clinches the case for the Electoral College, is that, historically speaking, the Electoral College has been a channel for the progressive democratization of our constitutional system, while at the same time safeguarding within that system the vital role of its most democratic element, namely the states.

In 1800, most of the 16 states chose their electors by vote of the legislature; only 2 chose them by popular vote. By 1824, the number of states had grown to 24, and most of them chose their electors by popular vote; only 6 still left the job to their legislatures, and that number soon dwin-

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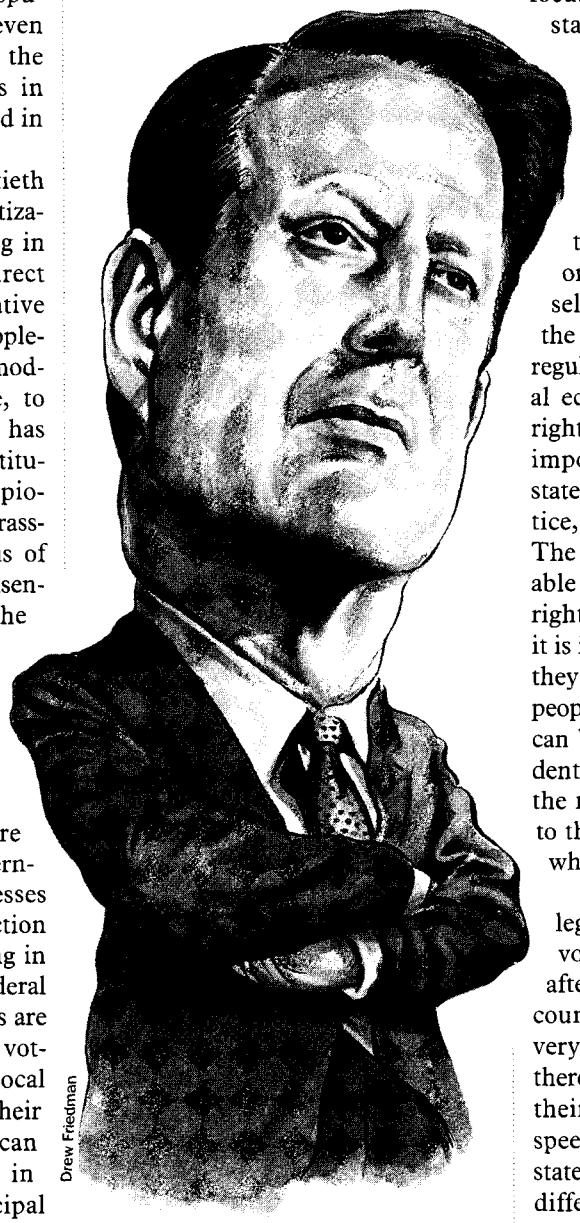
dled to one. The 1820s also saw the democratization of candidate selection, with the demise of candidate selection by caucuses in state legislatures and the rise of state nominating conventions. The first national nominating conventions were held in the early 1830s. The democratization of the choice of president, like the expansion of the franchise and popular election of governors and even judges, resulted from reforms in the states, though as often happens in American history, the states moved in concert.

At the beginning of the twentieth century, another wave of democratization swept the states, establishing in many of them processes of direct democracy—such as the legislative initiative and referendum—to supplement representation. While the modern expansion of the franchise, to blacks, women, and the young, has required amending the U.S. Constitution, even these reforms were pioneered in the states. And, embarrassing though it may be to friends of democracy, segregation and the disenfranchisement of blacks in the South in the first half of the twentieth century—two notably anti-democratic developments—took place not in spite of, but as a result of, majority rule.

Still today, the states are more democratic than the federal government. Even leaving aside processes such as the initiative and the election of judges that are of long standing in the states but unknown at the federal level, state and local governments are more accessible to citizens, both voters and candidates for office. Local interests that despair of making their voices heard in Washington can readily achieve representation in state legislatures and in municipal governments, which are chartered by the states. Political careers get started at the local and state levels, where television is not the only medium of communication and candidates can campaign door to door. New populations get involved in local and state politics long before they make their mark on the national scene.

Moreover, the concerns of state and local governments are often those of most immediate importance in people's lives: education, the security of persons and property, the keeping of the peace, and much else that affects the development of a common life. To those of us who do most of our business over the phone or on the Internet and have to take planes to see our friends, the states may seem an annoyance. But to the many Americans outside the "federal class," who live their lives near their families or move somewhere and plan to put down roots and stay, the states are most emphatically home.


Drew Friedman

By tallying votes for the highest office of the land state by state, the Electoral College gives recognition to these self-governing communities. We know this intuitively. The whole process of presidential selection, from the first caucus to the last recount, focuses national attention on the states in all their distinctiveness. We are reminded of the tremendous diversity of our country, and we might reflect that this diversity results from and reinforces our liberty.

It should go without saying that democracy in the states is only part of the story of American self-government; in providing for the national defense, promoting and regulating a national and international economy, and securing the basic rights all Americans enjoy, there is an important federal role. But if the states have been known to work injustice, so has the federal government. The power to do wrong is an unavoidable concomitant of the power to do right. As Tocqueville noted long ago, it is in the states and the communities they foster that the sovereignty of the people ceases to be an abstraction and can be seen in practice. It is no accident that those who would minimize the role of the states typically appeal to the least democratic branch of our whole system: the federal courts.

In his implicit challenge to the legitimacy of the Electoral College vote, then, Al Gore aims to change after the fact not only the rules for counting ballots in Florida, but the very Constitution. "Every four years there is one day when the people have their say," Gore began his televised speech on November 27. Not in my state: We vote several times a year on different propositions, and we elect numerous local and state officers, as well as members of Congress, in between presidential years. That's democracy, and compared with Gore's scenario—where a hundred million citizens vote in a quadrennial plebiscite for a single central ruler—I think it's a pretty good thing. ♦

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Who's Afraid of "Margaret"?

A new European army combines farce and tragedy.

BY PETER HITCHENS

London, England

THE OLD JOKE said that in an ideal Europe the British would run the police, the French the restaurants, the Germans the trains, the Swiss the bureaucracy, and the Italians the opera. In a nightmare Europe, the restaurants would be British and the police German, while the railroads would be controlled by the Italians, the French would do the bureaucracy, and the Swiss would take over the opera. But nobody ever imagined that there would be a European army, and until recently the very phrase would have had a ludicrous ring, an oxymoron on the lines of "Canadian aggression" or "the Cuban tradition of liberty."

Suddenly, though, Europe has an army. It is not a very impressive force, and it exists mainly on paper—90,000 lightly armed troops, 350 combat aircraft, and 80 warships supposedly available for missions within 60 days, a not-very-rapid reaction force whose purpose is hard to see. Britain's contribution is large—24,000 soldiers, 72 airplanes, and 18 warships. This might seem reasonable, since Britain's are the most serious forces in Europe, which is not saying much. Currently, most of our submarines are in dock, the army's rifles don't fire, and its radios are hopelessly insecure, while the Royal Air Force's bombs don't go off and a general shortage of ammunition means that naval gunners must shout "bang" during firing training, to save shells.

We in Britain are not supposed to call the new Euroforce an army, since to do so will embarrass the government and alert a bored and complacent electorate to the gathering speed of European integration. Our continental partners laugh behind their hands at this fiction, but do not mind very much so long as we take part. The president of the European Commission, Romano Prodi, has helpfully suggested that we call it "Margaret" or "Mary Jane" if we wish, though it will still be an army even so. If this jest was meant to be a tribute to Margaret Thatcher, it misfired. For the creation of the Euroforce has brought the former prime minister out of retirement and into her first full-scale conflict with Prime Minister Tony Blair, who has until now had her qualified approval and at least pretended to respect her legacy. They are now out of love for good. She attacked Blair's support for the force as "monumental folly" and huskily declared "I prefer NATO and I prefer the great alliance between Britain, Europe, and America. It is that which was of great benefit to the world. We lost a lot of people on the continent defending the liberty of our country and the countries of others and we must never forget NATO is the key to European security."

Continental Europeans would prefer to forget. They resent Britain's long manipulation of the balance of power in the European continent. Since the 16th century, London's scheming has managed to defeat several projects for a united Europe of one kind or another, leaving Britain to get on undisturbed with developing liberty, the rule of law, and free trade. Perhaps the cleverest achievement of British diplomacy in the 20th century has been to draw the United States into the game—on the perfectly reasonable basis that a European superpower will turn out to be at best cool towards America and at worst actively hostile. French hostility towards NATO when it mattered, along with skeptical continental attitudes to the Reagan bombing of Libya and the Gulf War, tend to confirm this fear.

In the years since the end of the Cold War, Britain has attached her armed forces to American operations in the Gulf and the Balkans, to keep alive the idea of a "special relationship" that few Americans have even heard of. But the State Department and the Clinton White House have responded by supporting the idea of European integration, seeing it—quite wrongly—as a flattering imitation of U.S. federalism and a democratic project, when it is in fact statist, bureaucratic, centralized, and far more like a constipated version of the Soviet Union than it is like the vision of the American Founding Fathers.

This week at a conference in the French Mediterranean resort of Nice, the European state will move swiftly towards nationhood. It already has a flag, an anthem, a supreme court, a currency, a toy parliament, and the makings of a rather illiberal constitution. Now it seeks—among other things—its own federal police force and prosecutor, a common airspace and its own military command. Like most European Union bodies, this new army, or "Margaret" if you prefer, will grow to its full power by slow degrees. Year by year it will become more important and obtain more control over the armed forces of all Union members. Again, like many EU projects, it will be more significant for what it prevents than for what it permits. And the main thing that it will prevent is the maintenance of the transatlantic alliance between the world's two foremost rule-of-law democracies. A new world order really is in the making, but it is not necessarily one that will please Americans or increase the liberty and prosperity of mankind. ♦

Peter Hitchens is the author of The Abolition of Britain *(Encounter Books).*

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Histrionics in the Making

The week that was in Tallahassee

By Matt Labash

Tallahassee, Florida

Tuesday, November 28, 10:30 A.M. — On the whole, Tallahassee is a charmless little burg. Except for its canopied oaks dressed in Spanish moss, it is a paved wasteland of low-slung strip malls and discount motels, whose billboard inducements promise rooms with telephones. I ask one local where's the best place to eat. "Whataburger," she replies. What's worse, she is right.

Back in the halcyon days of the early post-election fiasco, many of us Palm Beach-stationed journalists grew accustomed to a certain lifestyle. When not chasing street freaks and attending canvassing-board recounts, we went for contemplative walks on the beach, took early morning swims, and sat among leather-skinned stick figures smoking Capris during Bloody Mary brunches at Chuck & Harold's. Now, in week four of the crisis, as many of us have traded the Gold Coast, where the action used to be, for Tallahassee, where the action is, we are experiencing culture shock. So it is good to see old friends, like the Reverend Jesse Jackson.

Jackson made at least four stops in West Palm Beach during his World Aggravation Tour, which has now brought him to—where else—the media center in Tallahassee's Senate office building. Here, he is flanked by U.S. representatives Charlie Rangel, John Dingell, and others, as they announce the latest and most fanciful effort to reverse George W. Bush's election victory: They are asking the U.S. Department of Justice to investigate discrimination and irregularities in Florida that they believe violate the Voting Rights Act. For weeks, Jackson has charged that West Palm Beach's confusing butterfly ballots "disenfranchised" African-American voters and elderly Jews—all of whom, in Jackson's telling, seem to be "Holocaust survivors." So impassioned is Jackson on this last point that he is off to a temple prayer vigil the next day in New York City (or, as he called it before perfecting his Simon Wiesenthal impression, "Hymietown").

No longer, however, is Jackson claiming that blacks and Jews were the only ones disenfranchised. Now the list has grown to farm workers, students, the illiterate, and even Haitians who could not secure "Creole ballots" (though no election lawyers or Gore staffers I talk to have even heard of Creole ballots). But he doesn't expect you to take his word for it. "Where are the victims?" Jackson inquires after mysteriously denouncing "the Supreme Court of Clarence Thomas, [Antonin] Scalia, and Trent Lott." On cue, real live "victims" file into the sky-lit atrium.

They tell their stories, but the press grows restless. We thought we were getting Holocaust survivors. What we get instead is Eufala Frazier, an elderly black Miami resident with all her fire and half her teeth, who remembers the days of poll taxes, literacy tests, and outright intimidation. Hers is a stirring testimonial, until someone asks how precisely she was victimized in this election. Eufala takes a long awkward pause, causing Gore spokesman Doug Hattaway to intervene. "Her main point," he clarifies, "is that people's votes aren't being counted in Miami-Dade." Eufala, to her credit, finally fesses up: "I don't know whether I was personally affected or not."

12:30 P.M. — After the press conference, Jackson sponsors a prayer vigil in front of the Florida Supreme Court. While quiet supplication is scarce, an abundance of apocryphal anecdotes are offered, like the one from a Los Angeles rabbi who says an elderly voter told him she felt so "dehumanized" at the polls that it "brought back all those awful memories of standing in line at a concentration camp waiting for a piece of bread."

As support for Al Gore's contest has plummeted in public opinion polls, so has the population at Jesse Jackson's rallies. This one is about 1,500 people shy of the aver-

Matt Labash is a staff writer at The Weekly Standard.

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age attendance in West Palm Beach. Still, those who have come are haunted by a sense that every ridiculous pageant provides more fodder for the history books. As the rally concludes, a beefy AFSCME member strides by holding a "Rainbow/Push Coalition" poster, which is adorned with the autographs of not only Jackson, but every obscure state official he can corral. During an interview, he even asks for my signature. I protest that I'm not famous. "C'mon, it's for my kid," he implores. I snatch the poster and scribble best wishes from Jimmy Breslin, then hand it back. He doesn't seem to know the difference.

1:40 P.M. — In a committee hearing room that is all blonde wood and olive drab, the newly formed House-Senate select committee is meeting over three days to decide whether to call a special session of the Florida legislature. There, the legislators might decide to select their own slate of electors, assuming Gore's election contest is not concluded by the December 12 deadline. Around the capitol, some grouse that it should be called the Rubberstamp Committee, as the Republican majority will inevitably serve as a backstop for a Bush victory. If the courts allow Gore to have his way, cherry-picking recounted votes from heavily Democratic counties, the legislature will almost certainly intervene by making sure Florida's Electoral College votes are in the Bush column, as already certified by Secretary of State Katherine Harris.

Jesse Jackson

While Democratic fears are justified, the Republicans' reasons for taking action go beyond mere venal power-grubbing. For hours on end, a flock of Republican-leaning constitutional law types troop before the committee, entertaining their questions, illuminating their darkness, citing the chapter and verse of the Constitution and U.S. Code that will give the legislature a much-needed legal cover when vengeance-seeking Gore supporters call for their disembowelment. Though the constitutional arguments for legislative intervention may be sound (Democratic constitutional experts disagree), the most compelling case for calling a special session comes not from the Constitution, but rather from a photocopy making its way around the hearing room.

The work-up details 19 pending cases involving Florida's post-election fracas, any one of which could derail certification, often by delaying it beyond the December 12 deadline. In that instance, Florida would likely be forced to forfeit its electors, which would disenfranchise all of the state, instead of some part of it. The paper also warns that this list may not be complete, and indeed according to some counts the number of pending cases is 42. The inference from expert testimony is clear: With such an ugly knot of litigation, the legislators, regardless of party affiliation, would need to be on mind-altering drugs to believe all judicial matters will be concluded by Florida's deadline. And if saving Florida's electors becomes necessary, and the legislature waits until say, December 11, they will be forced to write, debate, and pass legislation on the same day, which, to paraphrase another Bush, would not be prudent.

As these cases are made, a transformation takes place. Unsexy, pointy-headed scholars who cause co-eds to grow sleepy back at their home campuses become the new rock stars of the election. In the land of the legally blind, Jonathan Turley is king. But today, Berkeley's John Yoo is enjoying the spoils. After the former Republican adviser to the Senate Judiciary Committee finishes his testimony, he is pinned against an elevator bank by fevered journalists and not permitted to leave for two hours. We are fond of referring to the Constitution in our stories, but few of us have ever gone to the trouble of actually reading it. Yoo, by contrast, carries one around for handy reference. Journalists eye his copy suspiciously. It turns out the Constitution is actually pretty short. Still, it's tough sledding with all those sections and articles and stuff. We decide to defer to Yoo, though he assures us that it's not as difficult as it seems. In situations like this election, he says, "No one's ever done this before. There's no cases, no law. The thing you have to do is *look* at the Constitution. I think it's great!" he says, clearly experiencing the law professor's equivalent of a runner's high.

5:00 P.M. — Over in the Leon County circuit courthouse, a security guard is trying out his sound bites on reporters passing to the courtroom. "I'm loving the hell

Illustration by Thomas Fluharty

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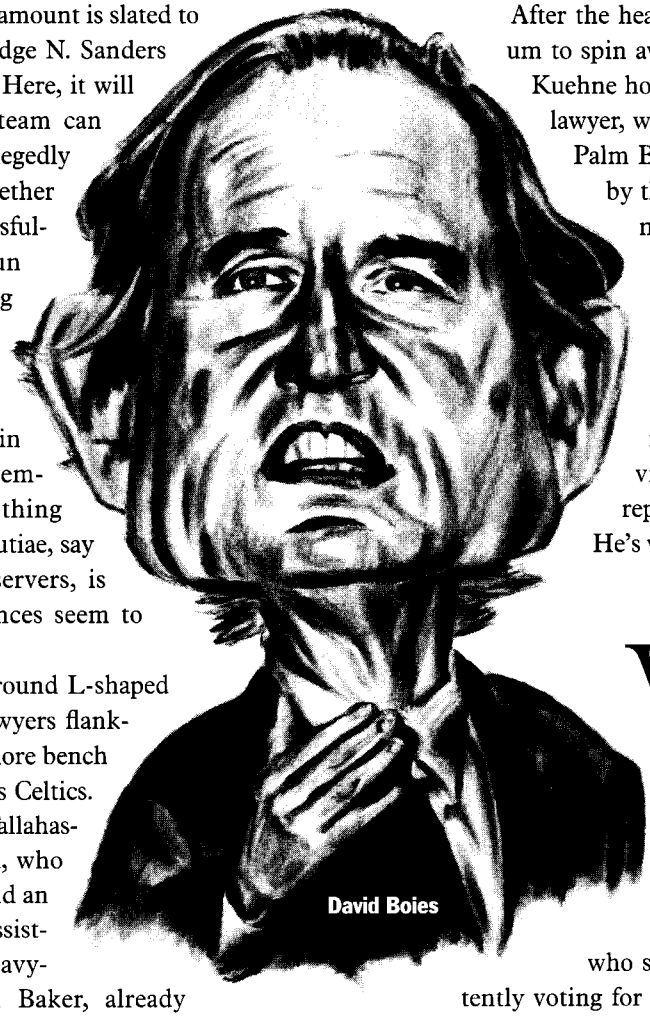
out of this," he says. "Being from Louisiana, we have this every damn election. We like our politics and rice the same way—dirty." I set off the metal detector as I walk through and offer my bag for inspection, but the guard waves me on since I'm with the media and he's a media whore. "What if I'm packing heat?" I inquire. "Then I'll just shoot you," he says.

Of all the bloody skirmishes in Gore's election contest, the one that is paramount is slated to take place Saturday in Judge N. Sanders Sauls's circuit courtroom. Here, it will be decided if the Gore team can begin a recount of their allegedly "uncounted" votes, or whether the Bush team will successfully shut them down or run out the clock, guaranteeing a Bush victory before the appellate courts can screw things up. Tonight, we have been called here in order to, well—who remembers? The important thing about mastering trial minutiae, say Tallahassee's veteran observers, is not to, as the circumstances seem to change every few hours.


David Boies

Both legal teams sit around L-shaped tables, with additional lawyers flanking them. Each side has more bench strength than the mid-'80s Celtics. The Bush team is led by Tallahassee lawyer Barry Richard, who has a white hair helmet and an icewater delivery. He is assisted by out-of-town heavyweights drafted by Jim Baker, already dubbed the "Boies killers" by CNN. The Gore team is led by the Microsoft-slayer himself, David Boies, who charms journalists and judges alike, even though his dated knit ties and rubber referee shoes make him look like a homeless man going on a job interview. Boies is assisted by the capable local attorney Dexter Douglass, who takes turns trying to out-salt the drawling Judge Sauls, himself fond of employing animal metaphors, as when he said the multiple motions directed at him were like "getting nibbled to death by a duck."

Sauls is generally considered a bad draw for Team Gore. He leans conservative, as he proves tonight when he refuses to accelerate the already warp-speed pace of proceedings to help Gore meet his deadline. Some lawyers worry that Sauls has a short attention span and is too suggestible, as he proves two days later when Judicial Watch's Larry Klayman, the Clinton administration's Torquemada, convinces the clueless Sauls to allow members of his organization to be observers if a recount is permitted. "We're non-partisan your honor," Klayman says to gales of courtroom laughter, "we don't take a position."

After the hearing, Boies goes to a media podium to spin away the setback. Gore lawyer Ben Kuehne hovers on the periphery. The Miami lawyer, who was walking point in the West Palm Beach recount wars, is scandalized by the Bush team's new "Boies killer" moniker. "I'll take David over Goliath," says Kuehne, "after all, he smote the Philistines." A lot of others would take Boies too. Clearly, the fierce $600-an-hour attorney is personally invested in the case. In Gore's service, Boies is willing to sully his reputation by doing the unthinkable: He's working pro bono.

Wednesday, November 29, 12:30 P.M. — Today is "real people" day in Tallahassee. Over in the select committee's session, 63 citizens, mostly Gore supporters, are being permitted into the chamber to do what they do best: whine. Take Cynthia Hope Ellis, who says she is so upset about inadvertently voting for Pat Buchanan that she has ended up twice in the emergency room, once with an infection. What kind of infection? "The doctor didn't elaborate," she says, "he just gave me antibiotics and sent me home." (To help recover her peace of mind, she is filing a $10 million lawsuit.)

Back at the press center, a peppy Gore wrangler promises us real people are on the way. (As opposed, presumably, to fake people, like congressional Democratic leaders Richard Gephardt and Tom Daschle, who on Monday flew all the way to Tallahassee to publicly stage, via long-distance telephone, a reassuring conversation with Gore, which they could just as well have had over breakfast in D.C.) But before the real people come, we must

Illustration by Jay Lincoln

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endure more surrogates. Today, we have arrayed before us four Democratic governors: New Hampshire's Jeanne Shaheen, Kentucky's Paul Patton, Iowa's Tom Vilsack, and—this causes the most media snickering—Puerto Rico's Pedro Rossello. Say this for the Republicans, when they trot out their governors, they are A-listers like George Pataki, and they all head states, not territories. The Democrats are so instantly unrecognizable we have trouble identifying them.

"Which one's the governor of Puerto Rico?" says one journalist.

"I guess he's the Puerto Rican one," says another.

Arriving late, I ask a colleague if I missed anything. "They want every vote to count," he says. As the governors wind up, the real people are let in. Most of them are the same real people who testified before the select committee some hours earlier, making us wonder if they're fake people. But they seem sincere enough. In the press room, the largely elderly group of disenfranchised voters form a wall of henna rinses and hip replacements. One can't help but admire the pluck of the many West Palm Beachers who've made the eight-hour drive to Tallahassee just to talk to little us. Except one gets the nagging feeling they may have had some help. Maybe it's the Gore handlers giving them stage directions. Or maybe it's the 52-page précis that neatly details all their complaints. Dorice Ashley, for instance, charges that at her polling place, there was "no one to direct people to elevators; elderly had to climb stairs and arrived at polls disoriented."

But it's when making the acquaintance of Bernice Kesslen, whose name is misspelled on her laminated "Florida Voter" pass, that we find our suspicions of a Gore rent-a-mob confirmed. Kesslen, who is decked head-to-toe in purple, right down to her amethyst and oversized Aunt-Sadie glasses, looks from a distance like a geriatric version of Barney. But unlike the gentle dinosaur, Kesslen is not good-humored. At the moment, she, like many of the others, has a complaint more serious than accidentally voting for Pat Buchanan. "Where's lunch?" she barks. It's understandable that she needs sustenance after her long journey, made a little shorter by what she calls "national Democrats." They, according to Kesslen, taxied her and many others from her Bonaire Village condo complex in Delray Beach to the airport, where a jet had been chartered. "It was a good one—a Boeing 727," she says. Once on board, the disenfranchised were given a tuna salad sandwich, a piece of cheesecake, and a refreshing beverage. "They told us they were going to have an open bar," Kesslen carps, "but they didn't."

Now Kesslen and several of the others are hungry again. But there is work to do. Press conferences must be conducted. Media queries must be answered. And group photos must be taken on the steps of the Old State Capitol, where the assemblage awkwardly joins in a chant of "Count Every Vote!" Once their chores are completed, a Democratic staffer fusses at them to walk to the buses so they can trek to the civic center where they will finally be given more food. The elderly among them look grateful. Complaining seemed so much easier back in their retirement village. But there is no free lunch—not even for a Gore-supporting Aunt Sadie.

Thursday, November 30, 4:00 P.M. — This day, like every day in Tallahassee, is a frenetic one. Lawyers wear out their treads skittering from courtroom to courtroom. The Republicans on the select committee have gone ahead and rubber-stamped the resolution to call a special session. (Miami's state representative, Gaston Cantens, vows to save the 59-cent pen he signed it with, aware that he and his colleagues' actions could open the weirdest chapter in our country's electoral history.) But all of us have trouble keeping our minds on our studies because of the convoy. On Judge Sauls's order, 462,000 Palm Beach County ballots are en route to the capitol. Carrying them is a Ryder truck, followed by police and media chase cars and a fleet of news choppers. All day long, CNN tracks the caravan's every movement.

The courthouse buzzes with O.J. analogies. The more civic-minded among us admonish that this procession is a lot more consequential than the Simpson police chase. But for most, it is hard to beat a crazed celebrity killer trucking down the Santa Ana Freeway with a disguise, a passport, and a bag full of cash. As we all rush behind the courthouse to watch the ballots get unloaded, the excitement stalls. Green-suited troopers block our access, and we are stuck with an obstructed view. All we can see is the front of the garage. Feeling pressure to gather news, most of us take notes on what's directly in our line of vision—in this case, the front of the Ryder truck. It is yellow. It has "Rent me" on its windshield. Its bumper is obviously metal, not rubber, as rubber doesn't rust.

After about 20 more minutes of such discoveries, a Florida A&M student ambles into the pack. "Is anything gonna happen?" he asks. "Is this all there is?" It's hard to say. Maybe something will happen, something that might alter history's course. Or maybe this is just another in an endless line of pseudo-events, where the days grind on, as long stretches of boredom are punctuated by moments of sheer anticlimax. ♦

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First Principles in Florida

Conservatives believe in rules; liberals want to be "fair."

By Noemie Emery

Al Gore and Joe Lieberman *know* they won Florida. Can they prove this? Of course not. So how can they know this? They just *know*. They know, because more people *wanted* to vote for them, even if somehow they didn't. And how do they know this? Because of some ballots that were double-punched and other ballots that weren't punched at all. Did these ballots tell them what their voters wanted? Of course not. Then how do they know what these people intended? They *know*. And because they do, they are free to do whatever is required to fulfill these "intentions." Republicans meanwhile are apoplectic at these bouts of mind reading, at the moving deadlines which somehow aren't deadlines, at the elusive non-standards, at the dimples that do, or don't, count.

Is the apoplexy irrational? Is this all just a scorched-earth power struggle in Florida, with both sides arguing whatever is convenient and looks likely to produce victory? No. It turns out that our two parties are deeply divided about first principles, oddly enough. Al Gore and George W. Bush have ended up fighting to vindicate the deepest beliefs of their respective parties. Democrats believe in intentions and feelings—and to hell with the facts and the evidence. Republicans believe in the rules.

This critical difference runs wide and deep. And it pops up in all sorts of issues that divide the two parties. The Democrats are the party of the dimpled chad, from which one tries to intuit an unknown voter's intention. And they are also the party that has given us the theory of hate crimes, in which prosecutions turn not on the usual rules of evidence but on what the criminal *meant* by his crime. The interpretation of "intent" is the crucial thing, and Democrats are not lacking in confidence that such interpretations are fairly simple. A party-line vote on a ballot that seems to show no vote for president? The voter must have felt weak; and, oh yes, that looks like a dent in the chad. A cross-racial crime? One must assume it is racist; there is no such thing as color-blind savagery. In the hate-crime context, one is punished not just for what one does, but for what one is thinking while doing it. In the context of voting, the evidence of the ballot matters less than the canvasser's guess as to what was intended. Subjective intent trumps objective reality.

Democrats are the party of malleable standards, in the interests of what they think of as just. Republicans are the party of bright lines and hard and fast rules, in the interests of what they think of as just. Democrats are the party that ratcheted down the physical-fitness standards of the armed forces, so that the women would look just as qualified, and then pretended that nothing had changed. They are the party that ratcheted down academic standards in the name of fairness, instead of doing the harder work of helping students meet the original standards. They are the party that is trying to codify what is ethereal, seeking legal remedies for things that cannot be measured.

The parties' opposing ideas of how justice is to be achieved show up in their purest form with the issue of race. Democrats want courts and well-intended politicians to intervene to engineer outcomes they think are fair, through quotas and preferences and set-asides. Republicans want to create a set of rules that apply equally to everyone, and let the chips fall where they may. Republicans believe in specific remedies for proven examples of prejudice, but think prejudice can no longer simply be assumed. When Republicans see unequal results, they do not automatically conclude that these are due to injustice. Democrats reason than an outcome they disapprove of must be an injustice that calls for a remedy, judicial or otherwise.

Conservatives know that life is unfair, that some people start life under terrible burdens, and that a country that prides itself on equal opportunity should take spe-

Noemie Emery, a frequent contributor, wrote last week's cover story, "Our Aaron Burr."

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cial steps to correct this. They think a decent society in the name of fairness will do all sorts of things to help the disadvantaged—from scholarships to outreach and mentoring programs—but that the *law* must be neutral. They want to help people meet rigorous standards, but insist that the standards be rigorous. They do not believe laws should be calibrated to account for individual instances of unfairness, as there is no legal system conceivable that can begin to account for all the myriad forms of unfairness life metes out. Yet the liberals do keep on trying. In 1997, the Clinton Justice Department created guidelines to preserve racial set-asides in government contracts. Government agencies were tasked with determining "the level of minority contracting that would exist in a given industry absent the effects of discrimination." Who is capable of such feats of imagination? Precisely the same kind of official who is able to stare at the crease on a Florida ballot and understand, absent the effects of the Votomatic machine, what the voter had in mind.

Democrats claim to *know* they lost Florida because the "uncounted" ballots in several precincts deprived them of thousands of votes. The Bush people, however, have claims of their own. They "know" that the TV networks' premature prediction of a Gore victory in Florida, which gave the sense of a Gore landslide, depressed Republican turnout in the Panhandle, where the polls were still open. They "know" that it cost them untold hundreds of thousands of votes in the critical midwestern battlegrounds, some of them lost by a very small margin, and in the West, where it was then 5 o'clock.

But, of course, they don't really know any of these things. None of it is provable. The networks' early call of Florida for Gore, which was later rescinded, probably depressed the Bush vote in Florida and hurt him elsewhere. But the later call for Bush of Florida, and of the whole country, which was also rescinded, gave Bush the aura of legitimacy which he has still not relinquished and cast Gore as the whiny sore loser. Both calls were unfair, but they made a rough balance, which is the sort of result conservatives are prepared to live with. The final vote on Election Day, after all, was made up of millions of small contingencies and glitches that weighed back and forth on each side of the ledger—bad ballots, lost ballots, lazy voters, dopey voters, mistakes, and misfortune. There is no way to remove error from human endeavor. Life is chaotic, which is why we need rules to channel it, to give order to happenstance, and keep things from reeling out of control.

This is why we have and need rules for elections, which are standard and neutral and fixed ahead of time. Elections happen on *one* day, not 12, and not 90. Polls are open during specified hours, and if you are late, it's unfortunate. You get to vote once, not over and over. All votes are counted by one standard, not some once and some four times, with selected votes being subject to interpretation. All voters are equal, and all ballots are equal, or else there is chaos. When *rules* are chaotic—when deadlines are stretched and at last become meaningless, when votes are read differently, when standards have vanished—then chaos is everywhere. Chaos is everywhere in Florida now, and Republicans have an aversion to this that is not simply partisan.

The Republicans who trooped down to observe the recounting and bang drums for George W. are of course partisan, and of course they are boosting their candidate. But beyond this, they are boosting system and order and law. This is what accounts for their exceptional unity, and the intensity that they bring to this case. The mundane political divisions among them are the same as ever: They are pro-life and pro-choice and profoundly ambivalent; they pushed impeachment, or were uneasy about it; they are libertarians, or proponents of national greatness; they like Teddy Roosevelt or they like Calvin Coolidge; but in the end they are pro-law and pro-rules and pro-order. Social conservatives like John Engler and Frank Keating, social moderates like Kay Bailey Hutchison, social liberals like George Pataki and Christie Todd Whitman are all bug-eyed with horror at the creative accounting, the on-the-fly changing of standards, the malleable nature of fact. *This* is the litmus test that truly unites them. They are the party of law and objective reality, against the party of intent and feeling.

What the Democrats may not have sensed until recently is that chaos cannot be just partly released. Once they try to bend laws, they cannot have just a few bent for their benefit without having others bent back against them. They can't have their lawyers drag things out and obstruct things without having others try to obstruct their desires. They can't first play for time, and then demand that things be done in a hurry. And they can't pick at one dangling thread of an error without having the whole larger fabric unravel, casting everything, even their own special claims and assertions, into confusion and doubt. Caught now in the uncontrolled mess they created, the Democrats might ponder what could happen should the Gore ethic be vindicated. Do they really want elections that are infinitely reviewable, subject to challenge on every slight glitch, every hurt feeling, every bright sense of outrage? Do they think life can be fair without law? ♦

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The Two Campus Cultures

P.C. (political correctness) vs. PC's (personal computers)

By William Tucker

Feeling ambitious, Professor David Clemens of Monterey Peninsula College last semester proposed a new course for the English Department, "English 38—More or Less Human? A Study of Literature, Technology, and Human Nature." The required materials had a nice contemporary ring. Students would read *A Clockwork Orange*, *Brave New World*, and *Do Androids Dream of Electric Sheep?* They would watch movies including *The Manchurian Candidate*, *Blade Runner*, and *2001: A Space Odyssey*. All would help students pose the question, What is a human being and what isn't?

When he put the proposal before the Curriculum Advisory Committee, however, it was quickly rejected. Although the course explored interesting material, it violated Item 14 of Monterey's Course Proposal Outline, which is that all new courses "include a description of how course topics are treated to develop a knowledge and understanding of race, class, and gender issues." In particular, Professor Clemens was told by Pat Lilley, chairwoman of the committee, that he wasn't using his course materials in a way that would expose the habits of "sexist males."

After appeals to several national watchdog agencies and a sympathetic editorial in the *San Francisco Chronicle*, the college rescinded Item 14, and Professor Clemens will teach his course this spring. But anyone who has experienced today's academia knows that on most campuses no formal Item 14 is needed. Where the humanities are concerned, the New Trivium of race, class, and gender has long since infected the main body of the curriculum.

On the other side of campus, though, life is very different. Even before leaving Northwestern's Kellogg Graduate School of Management, where he won the Top Student award, Parry Singh had big ideas. His sister was always complaining she couldn't find the ingredients to make the family's favorite ethnic dishes. Singh, who had earned a computer engineering degree in India, started thinking Internet. "It seemed like the perfect small, fractured market that could be organized online," says Singh. In 1999, he and Subhash Bedi presented their idea at Kellogg's new Digital Frontier Conference. Keith Bank and Don Jones, two Chicago angel investors, liked what they saw. By the time Singh graduated, *EthnicGrocer.com* had set up shop in the Northwestern/Evanston Technology Innovation Center, a business incubator that has become a model for other campuses.

"A university is an ideal place to start a business," says Juliana Yee, EthnicGrocer's vice president of marketing. "You've got a lot of smart, motivated people all in one place. They bounce ideas off each other. It's a lot easier to get things started in that kind of environment." At the incubator, EthnicGrocer expanded its menu to 15 countries and added phone cards, books, movies, money transfers, and online prayer services for immigrant communities. The company has since moved to the Loop, where it employs 130 people. In August, EthnicGrocer closed on $34 million of venture capital with a consortium of heavy hitters including Kleiner Perkins, Merrill Lynch, and Benchmark Capital.

"The support of the faculty and administration at Northwestern provided the perfect breeding ground for us to start this business," says Singh. "America is a land of opportunity. It would have been hard to achieve in any other environment."

At the threshold of the twenty-first century, America's colleges and universities present a remarkable paradox. A growing thirst for technical and practical knowledge and its real-world applications exists side by side with a dour and gloomy introspection. Like the

William Tucker is a writer in New York.

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nation itself, the campus seems split down the middle.

Peddling a self-conscious multiculturalism—which usually means forcing students to read a lot of bad books—the old disciplines of English, history, philosophy, political science, and sociology have become a dreary monoculture where a generation of tenured radicals invites the young into the murky depths of nihilism and moral relativism.

"The humanities have always been dogged by the question, What practical use are they?" says Roger Kimball, who recently followed up his classic *Tenured Radicals* (1990) with *Experiments Against Reality*. "Traditionally they enriched people's lives by introducing them to what Matthew Arnold called 'the best that has been thought and said.' But the curriculum taught at many colleges and universities today does little more than reinforce a handful of anti-traditional clichés and give students an unearned sense of righteous indignation."

"In my history classes, Marxism was taught as if it were still a valid alternative to a free economy," says Michael Capel, who graduated from Cornell in 1998 and now works for KPMG. "Even in Spanish class, there were always instances where the reading material was clearly selected to reflect the liberal viewpoint," says Vincent Leung, a 1999 Dartmouth graduate working on Wall Street. Cornell offers more courses in women's studies than in economics.

Paramount in today's radical curriculum is the still-not-passé French philosophy of deconstructionism, whose central premise is that no idea has greater validity than any other, but that all "truths" are a matter of opinion. "I took an urban politics course that ended up as a big group therapy session," says Erin McGlinchey, who graduated from Smith this year. "Not only did they not teach you anything, there wasn't even any sense that there was

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some objective knowledge out there worth learning. Everything was just 'validating your own feelings.'"

Through the action of some strange lodestar, this supposed free market of ethical ideas somehow always leads back to the same conclusion—that western civilization is destructive and white males are a breed of oppressors against whom everyone can have a legitimate grievance. "I remember when the black students took over a building at Hampshire in response to the Rodney King trial verdict," says Shana Davidson, a recent graduate. "Naturally they took over the science building, because science equals Western Culture which equals oppression. At one point I remember a prominent male radical student—Jewish like me—pounding on the door of the science building yelling, 'Let me join you in there! I'm a Person of Color, too!'"

Almost every young student entering an American college now encounters "oppression studies" at some point. "If you can't find someone who done you wrong after four years at college," says McGlinchey, "then you haven't been paying much attention."

Yet the arrival of the Information Age has coincidentally turned universities into fountainheads of technological progress. In the business, science, and engineering schools, opportunity abounds—and students around the world are acutely aware of it. More than half a million foreign students and countless new Americans are trekking through these schools, learning demanding, sophisticated skills that quickly place them in the mainstream of world commerce.

Engineering schools and entrepreneurial programs are spinning off inventions and ideas that are turning every college town into a center of innovation. Silicon Valley grew directly out of dean Frederick Terman's efforts to turn Stanford Engineering School into a center of "technology transfer" in the 1950s. Hewlett-Packard, which Terman helped start by lending William Hewlett and David Packard $538, still has its international headquarters on the Stanford campus. A 1995 BankBoston study found that nearly 10 percent of the Massachusetts economy could be traced to MIT graduates.

Other parts of the country are copying the strategy. Texas has built Austin into the nation's third-largest high-tech center by pouring money into the University of Texas. University towns like Boulder and Ann Arbor have emerged as "technology hot spots," while cities such as San Diego and Atlanta are creating an economic renaissance around their academic institutions. Even tiny Williamstown, Mass., home of Williams College, has given birth to Tripod and a cluster of other Internet startups.

The business schools, formerly training grounds for the *Fortune* 500, are on an entrepreneurial binge. "This program is to take technology out of Georgia Tech and bring it to market," says Terry Blum, dean of the Dupree Center for Entrepreneurship, launched in 1994 at Georgia Tech's Dupree College of Management. "We've got students entering from every discipline—computer sciences, bioengineering, mechanical engineering. This is an entrepreneurial campus. We actually have to keep quiet about our courses—otherwise we'd be overwhelmed by the demand."

One popular innovation is business-plan contests. "In only its second year, our competition attracted 420 student entries and 250 venture capitalists," says Emily Gohn Cieri, director of entrepreneurial management at the University of Pennsylvania's Wharton School of Business, which has just founded its own incubator, PenNetWorks.

Joshua Newman, a junior at Yale, has founded Silicon Ivy Ventures, a New York-based investment firm designed to fund student businesses. "We've already received 2,500 proposals from all over the country," says the fledgling entrepreneur. "Everyone's getting aboard—law school students, engineering majors, scientists. Our first funding success, HireOne, was submitted by an English major."

Meanwhile, on the other side of campus, the New Trivium has insinuated itself everywhere, from world history to freshman orientation.

Kevin Nowak, a junior at the University of Michigan, volunteered to be a "residential adviser" in a dorm this year. The training involved mainly indoctrination. "From the first day, everything we were told had to do with The Oppressors and The Oppressed," he says. "We were told bluntly that white males were the oppressors and the main responsibility of RAs would be to feel guilty and understand the resentments of the oppressed. We didn't learn how to handle noise complaints. We didn't learn to settle arguments. We didn't even learn what to do in a fire. All we learned was how to feel guilty."

Nowak precipitated a minor crisis at an August retreat when he asked to go to church on Sunday. He was told it would "violate the spirit of the weekend." Eventually he and a group of fellow dorm counselors were allowed to hold a private prayer service.

With race relations poor on many campuses and male-female relations strained by hypersensitivity to "harassment" and "date rape," homosexuality has become the

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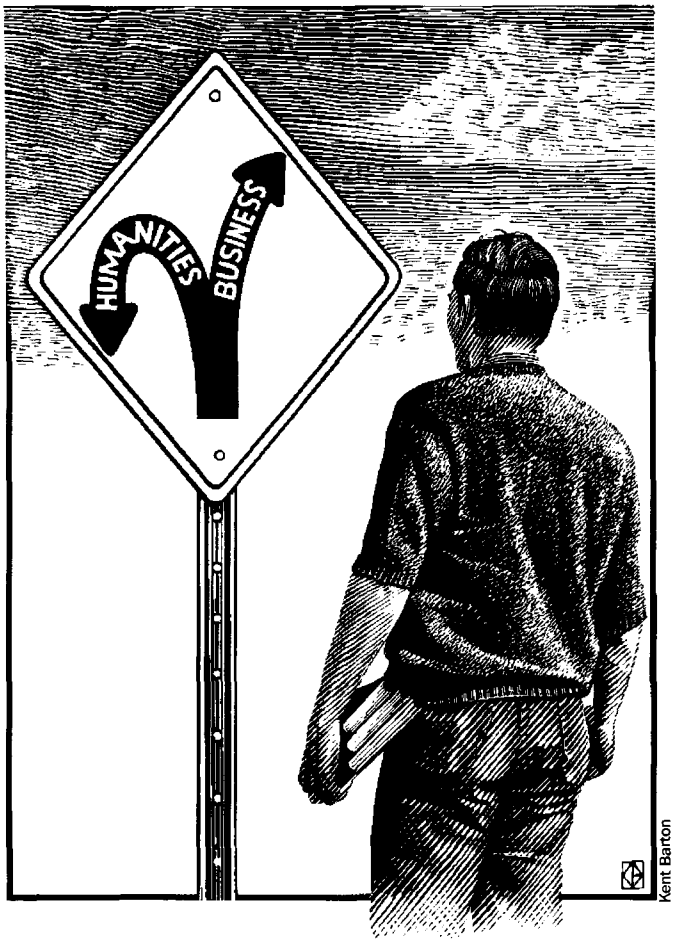
new battleground. "At Wellesley you can take Queer Theory to fulfill the multicultural requirement," says Larisa Vanov, a Wellesley graduate who has founded Women for Freedom. "At Cornell you can minor in Homosexual Studies. One history course at Smith ended with a graphic description of lesbian sex. At some orientations you have to make mock confessions to being gay. College administrators sweep all this under the rug on Parents' Weekend, but if you drop by any given day, you'll see it's predominant."

"At Smith, lesbians are allowed to be rude and vulgar," says Erin McGlinchey. "At one point they did a chalk drawing of a huge vagina on the sidewalk right at the center of campus. It's truly disgusting."

"I don't mind homosexuals having their say, but what galls me is the double standard," says Michael Capel, of KPMG. "At Cornell, one seat on the student council is specifically reserved for gays. In 1995 we ran a gay conservative for the spot. The administration wouldn't even list his name in the campaign announcements. They said we were 'violating the spirit of the election.'"



To be sure, many college students these days are inured to proselytizing and have learned to live with it. "All my teachers are intellectually honest," says Mark Davis, publisher of the Princeton *Tory*. "They may present a leftist perspective, but they also encourage you to debate." Although she cringed when a professor changed "men" to "people" on an economics paper, Mary Podles, a Wellesley freshman, says she has not encountered pervasive political correctness. "There are annoying incidents but it's not an overwhelming presence," she says. "We had a Multicultural Night during orientation, but it involved watching three plays by people who had come to America from different ethnic backgrounds. It was good art."

If enforcement of political correctness has eased somewhat, however, it may be because opposition groups are vigilant. Alan Charles Kors of the University of Pennsylvania co-authored *The Shadow University: The Betrayal of Liberty on America's Campuses* (1998) after defending an Israeli student who had called a loud group of black students "water buffalo" on campus seven years ago. His organization, the Foundation for Individual Rights in Education (*thefire.org*), has become a clearinghouse for the defense of free speech on campus.

"Most of the action now takes place behind the scenes," says Kors. "About 90 percent of the time the universities will back down when threatened with exposure. As soon as they get out of the clubby little confines where double standards seem right and just, they're doomed." This year Kors has battled a new Columbia University policy that drags people accused of sexual harassment through a star-chamber-type proceeding. He is also standing up for a Republican faculty member who is the latest target in a longstanding effort to purge conservatives at Virginia State University.

"A lot of people will tell you this stuff rolls right off students like water off a duck's back," he says. "There may be a certain amount of truth to this, but we're still breeding fatalism and cynicism and compartmentalization. We're raising a generation of moral cowards."

Shana Davidson isn't so easily daunted. She says she was "to the left of Lenin" at Hampshire; now she works for the conservative Media Research Center. "I was a good Marxist in college," she says, "but then . . . oh, I donnow . . . I got a job. That makes a big difference. I subscribe to what Ronald Reagan said: 'Liberals are people who read Karl Marx in college. Conservatives are people who understood him.'" ♦

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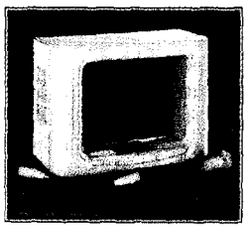

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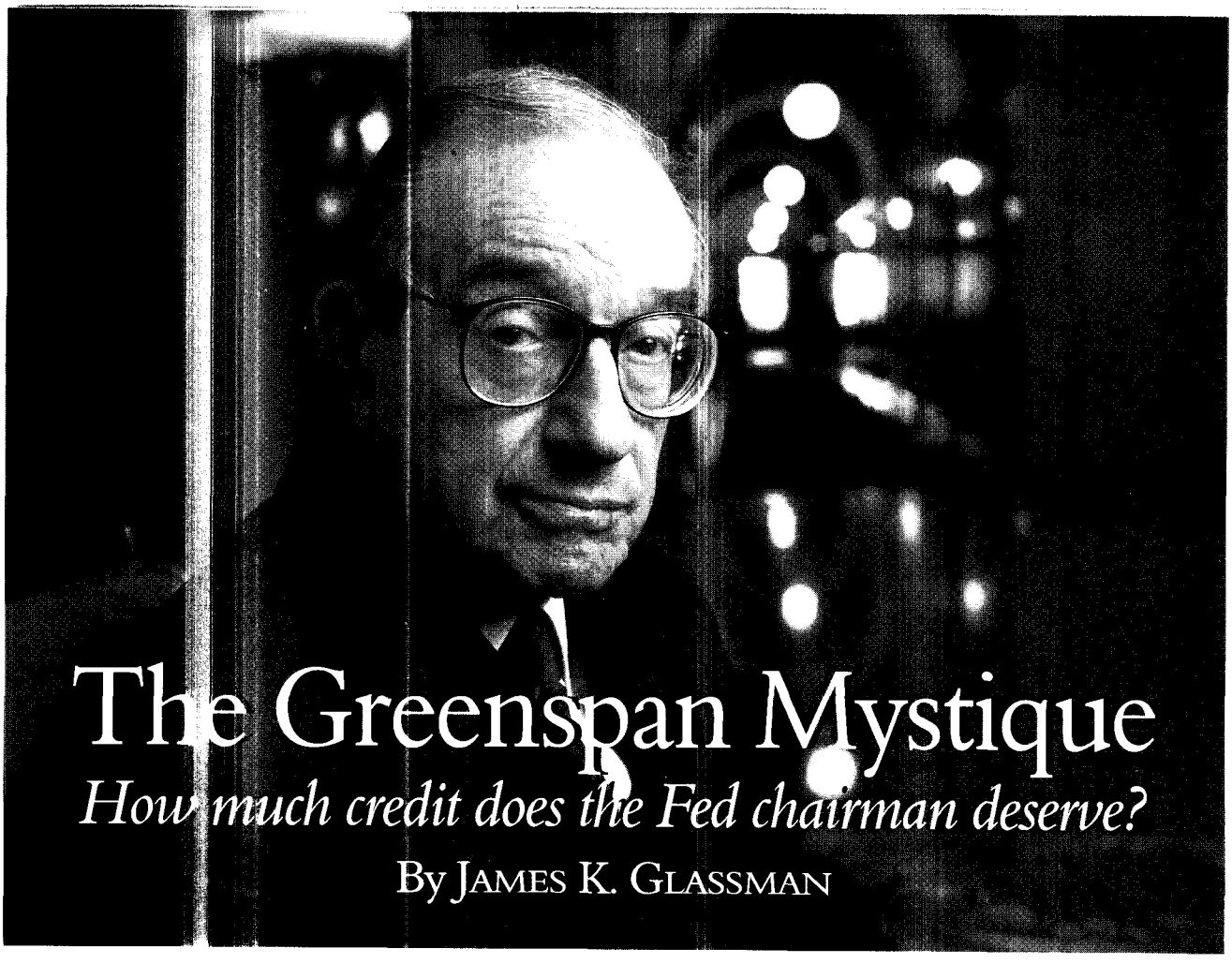

Matt Mendelsohn / CORBIS

The Greenspan Mystique

How much credit does the Fed chairman deserve?

By James K. Glassman

We may not have a president soon, but we'll have something just as powerful: an infallible philosopher-king named Alan Greenspan.

That, at least, is the way much of the world views the seventy-four-year-old economist and clarinetist who has been chairman of the Federal Reserve Board through the longest unbroken period of growth in history: 116 months and counting. It's safe to say the Fed—which has authority to set interest rates and thus adjust economic growth—*is* Greenspan, but he has become something more: He helped form the fiscal policy that produced the biggest budget surpluses the world has ever seen.

But how good is Greenspan? And why is he so popular, considering that his job, as old Fed chairman William McChesney Martin put it, is to "act as a chaperone, taking away the punch bowl when the party gets too wild"?

James K. Glassman, a resident fellow at the American Enterprise Institute, is host of the website TechCentralStation.com and co-author of Dow 36,000.

On the second question, Bob Woodward in *Maestro: Greenspan's Fed and the American Boom* has a convincing answer. "In this culture," he writes,

> politicians, actors, and nearly all public figures are produced and handled. Greenspan emerges as one of the few who seems to maintain a steady and sober detachment. . . . Although his words are almost unbearably opaque, he appears to be doing something rare—telling the truth. . . . The public has rewarded his caution, reflection and the results with their confidence. That he is the unelected steward of the economy is simply accepted.

Maestro
Greenspan's Fed and the American Boom
by Bob Woodward
Simon & Schuster, 270 pp., $25

Greenspan
The Man Behind the Money
by Justin Martin
Perseus, 284 pp., $28

Authenticity, honesty, and results: So far, so good. But *how* good? Would this boom have happened without him? Would it have been even more impressive? And would it now be coming to an end, as more and more analysts believe?

A little over thirteen years ago, Greenspan was sworn in as chairman of America's central bank—issuer of currency, regulator of financial institutions, and guardian of the dollar. Since he was named by Ronald Reagan to replace Paul Volcker, he has been appointed to three more four-year terms, once by George Bush, who later accused him of causing the recession that led to his defeat ("I *re*appointed him and he *dis*appointed me"), and twice by a grateful Bill Clinton. "Of all the important people in Clinton's life, nearly all—including himself—had let him down or not lived up to their full promise," Woodward writes. "Hillary had failed to deliver health care. . . . Vice President Gore, though loyal, had not yet emerged as a vibrant successor. . . . Greenspan alone had stood and improved his ground."

Greenspan has three major accomplishments—at least as far as most people see them:

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• He helped defuse four financial crises: a stock market crash, the Mexican currency collapse, the "Asian contagion," the Russian default.

• He convinced Clinton to take the steps that turned a deficit into a surplus.

• Through raising and lowering interest rates at just the right times, he guided the U.S. economy to unprecedented prosperity—with high growth and low inflation.

Greenspan's most important accomplishment, however, is something entirely different. It is that he has managed—by keeping an astoundingly open mind—to compose a sensible, imaginative model of the New Economy. This model in Greenspan's head is a work in progress, as it should be. The problem is that Greenspan is not completely convinced of his creation, and he keeps backsliding. Still, the achievement is remarkable when you consider that Greenspan has two strikes against him: He's an economist and a politician.

Within a week of his swearing-in, Greenspan was faced with the worst one-day debacle in stock-market history. On Monday, October 19, 1987, the Dow Jones Industrial Average fell 508 points, or 23 percent, wiping out $1 trillion in wealth. At times that Monday there were no buyers, at any price, for sellers of shares of large companies. "Alan, you're it," Gerald Corrigan, president of the New York Fed, said. "This whole thing is on your shoulders."

Greenspan did all the right things: He resisted a plan, pushed by other regulators, to shut down the New York Stock Exchange (which would only have increased the panic and unfairly allowed institutions, but not individuals, to sell shares); he told Corrigan to encourage large banks not to call their loans to institutions under pressure; and he issued a one-sentence statement before the markets opened Tuesday: "The Federal Reserve, consistent with its responsibilities as the nation's central bank, affirmed today its readiness to serve as a source of liquidity to support the economic and financial system." The Fed would lend money at low rates to banks, preventing a credit crunch.

The Fed had responded to the great crash in 1929 in the opposite way. It *raised* rates, cutting off credit so banks stopped lending and called in their loans, and failed businesses started to "pile up like so much roadkill," as Justin Martin writes in *Greenspan: The Man Behind the Money* (using a typically infelicitous metaphor). "This is the process—not stock market crashes per se—that causes economies to slide into the dumper," Martin continues, placing the blame on three brief-tenured Fed chairmen in the early 1930s: Roy Young, Eugene Black, and Eugene Meyer. The morning after the 1987 crash,

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Greenspan with his mother in 1940

the market seemed not to respond to Greenspan; by noon, the situation appeared almost hopeless. Then, suddenly, at 1 P.M., stocks rallied, and the Dow finished up 102 points. Within a year and a half, it had regained its losses.

Greenspan was never certain of what turned the market around. But whether his statement was the reason, the fact is that the market did rebound—just as it did after the Mexican financial crisis of 1995 (a tidbit revealed in Woodward's book is that Greenspan telephoned Rush Limbaugh to urge him to back the $40 billion Mexican rescue package). So too the market bounced back after the devastation in Asia in the fall of 1997, when the currencies of Korea and Thailand collapsed and the Dow fell 554 points in one day. And then the market did it again after the default of Russia in 1998, which toppled the house of cards built by a hedge fund called Long-Term Capital Management, started by a former Salomon Brothers ace and two Nobel Prize-winning economists.

In this last case, Woodward discloses, "Greenspan wasn't happy" that William McDonough, president of the New York Fed, had "lent the good name" of the institution to a deal by which sixteen Wall Street firms contributed $3.6 billion to prevent Long-Term Capital from reneging on its debts (owed to many of these same firms), which may have triggered a world financial crisis, even a recession. But the chairman stuck by McDonough during congressional hearings questioning the Fed's role.

Greenspan, who was once prominent in the circle around the "Objectivist" writer Ayn Rand, still describes himself as a libertarian. He is instinctively squeamish about dispatching government money and power to fight battles in the private markets—which may be why he didn't rate the risk of contagion from Long-Term Capital as high as McDonough did. But on Mexico and Asia, he backed the interventionist plans of Treasury secretary Robert Rubin and the International Monetary Fund. All of these crises dissipated, but the interventions had planted the risk that, when you bail someone out, you encourage him to act recklessly in the future. While the actions were questionable in economic terms, they helped Greenspan enhance his reputation as a magician and build political capital with Clinton.

Greenspan already had impressive political capital by the time he sat down for his first meeting with Bill Clinton in Little Rock on December 3, 1992—more than a year before Mexico and a month after the election of the first Democratic president in twelve years. The chairman made his pitch in a three-hour session: Interest rates were high because budget deficits were high. Banks and private investors were worried about inflation, so, in lending money (or buying bonds), they insisted on a

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large interest-rate premium for protection. Nothing could do more to help the economy than a drop in long-term interest rates, Greenspan told Clinton. The Fed didn't control long rates, only short rates, but—Woodward reports Greenspan told Clinton—"credible action to reduce the federal deficit would force long-term interest rates to drop, as the markets slowly moved away from the expectation of inevitable inflation." Then the economy, just emerging from a shallow recession, would recover vigorously, thanks to "demand for new mortgages, refinancing at more favorable rates and more consumer loans."

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Greenspan, second from left, at a 1955 wedding among the Objectivists. Ayn Rand is seated at right.

Greenspan, as Martin puts it, "had been waiting a long time to deliver this spiel." Bush's advisers had earlier rebuffed him, but now he was offering a deal. He told Treasury secretary Lloyd Bentsen that if Clinton would propose a budget reducing the deficit by $140 billion or more in 1997, he would back the administration publicly; long-term rates would fall, and so would inflation, making Greenspan's job a lot easier. Clinton agreed, and the chairman dutifully made headlines by telling the Senate Banking Committee the president's plan was "serious" and "credible." Within a week, long-term rates began to fall. Woodward writes that Greenspan's impact on Clinton "was real and positive—a degree of influence he had not begun to approach during the more than five years he had been chairman under Reagan and Bush."

But this story is a little pat. "Clinton was an odd hybrid," Martin writes. He "grew enamored of the idea of deficit reduction wedded to an old-fashioned Keynesian stimulus package to jump-start the economy. But a stimulus package, by necessity, would raise government spending, adding to the deficit." Woodward makes no mention of this package, pushed by Hillary Clinton and Labor secretary Robert Reich. Ultimately, the president sent it to the Hill, but it was defeated by Republicans and moderate Democrats like John Breaux.

Then, too, history shows little correlation between high deficits and high interest rates. Deficits, for instance, rose during Reagan's term, but rates fell sharply. Greenspan may have been as disingenuous as Clinton at their meeting, since the Fed chairman must have known that the key in fiscal policy is not how but how much: It is the level of spending that counts—the amount that the public sector is sucking out of the private sector—and where that spending is going. Whether the spending is financed through borrowing (thus creating deficits) or through taxes is not nearly as important. Still, by pushing Clinton to reduce the deficit, Greenspan may have encouraged him to do two good things: put a damper on spending, and watch the long-term bond rate as an indicator of his administration's success.

The price, however, was high for a libertarian—$241 billion in tax increases. Ever since, Clinton has claimed that his tax rate hikes turned the deficit into a surplus—a dangerous legend. The truth is that the deficit disappeared because the economy boomed, not vice versa. What was beneficial about Clinton's role was not his tax hikes but his overall budget, which indicated that he wasn't the profligate Democrat that Wall Street had feared. And don't forget that the stock market and the economy did not really take off until after a Republican Congress—the first in five decades—was elected in 1994.

The Fed's main job is to calibrate interest rates in a way that keeps inflation in check but does little harm to business activity. The cliché is that the economy is like a huge ocean liner whose captain needs to start rotating the wheel months, or even years, before the ship makes its turn toward port—but the cliché happens to be true. The Fed chairman, the board's governors, and the twelve regional bank presidents have two resources at hand: They can directly set the discount rate, which the Fed charges banks that borrow its money, and they can indirectly raise or lower the federal funds rate that banks charge each other for overnight loans.

It is this second resource that has received most of the attention in recent years. The Federal Open Market Committee, whose membership includes the governors plus five of the regional presidents, meets eight times a year to decide what to do with the funds rate. If the FOMC wants to raise rates, it sells some of the bonds it holds in inventory; and the buyers take cash out of circulation to purchase them. When cash becomes scarce, then it becomes more expensive and rates rise. If the Fed wants to lower rates, it *buys* bonds, creating new cash that it pumps into the economy.

Back in 1978—to replace Arthur Burns, who had been Greenspan's mentor at Columbia University—President Carter named G. William Miller as Fed chairman. Miller proved a disaster, allowing inflation to get utterly out of hand. Consumer price increases eventually were rising at an annual rate of 14 percent. Miller lost his job after seventeen months, and Greenspan's predecessor, Paul Volcker, inherited a mess. Volcker had only one choice: He raised the

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Fed funds rate quickly, all the way to 19 percent by 1981. The prime rate, charged to banks' best customers, peaked at 21.5 percent, and unemployment rose to 10 percent. But, Volcker, as Martin writes, "succeeded in breaking inflation's back. The consumer price index's annual rate of change fell to 3.2 percent and never rose above 5 percent for the duration of his tenure."

Volcker was a superb Fed chairman, and Reagan reappointed him in 1983. But by 1987, Reagan wanted his own man, and—at the suggestion of James Baker—Greenspan was picked. Greenspan had been the chairman of the Council of Economic Advisors under Gerald Ford—a two-year tumultuous term that included a deadly combination of inflation and recession called "stagflation," the WIN campaign ("Whip Inflation Now"), a silly attempt to thwart higher prices by getting consumers to bargain harder and resist consuming, and the New York City financial crisis—during which Ford, with Greenspan's backing, wisely refused to step in with federal aid. In 1981 Reagan asked Greenspan to head a bipartisan commission to find a way to preserve Social Security. Its recommendations—mainly payroll tax increases—were signed into law in 1983.

At least as far as FOMC activities were concerned, Greenspan started off as a kind of Volcker Junior. Inflation had begun rising from below 4 percent in late 1988, and the Fed's governors—who had given its chairman unprecedented power (gained, as Woodward demonstrates, through Greenspan's exceptional political skills)—moved quickly to cut it off.

The Fed funds rate rose from 6.5 percent to 9.75 percent by 1989, despite kicking and screaming from the Bush administration, which had just taken office. Then Greenspan began cutting rates, but, coming on top of an oil price shock precipitated by the Gulf War, the action was too little, too late, and the country went into a brief and shallow recession (or, in the jargon of economists, negative growth) from mid-1990 to early 1991.

Greenspan's manipulations of interest rates were no better than average, or perhaps even below average, but that would change.

Porsetis

Rates had continued to fall through 1993; the economy revived, but there was no inflation in sight. In fact, the Consumer Price Index had dipped close to 2 percent. But Greenspan, in poring over the economic data, was convinced that inflation was coming back, and he began in February 1994 a regime of aggressively raising short-term rates, boosting them from 3 percent to 6 percent. Martin writes: "There's an impression—widely held and mistaken—that Clinton simply stood by and accepted this change in direction by Greenspan and the Fed. Hardly. The president was livid." But the chairman was right. As a result of the rate hikes, the economy slowed in early 1995, but there was no recession—instead, a classic soft landing. Then, the Fed cut funds rates mildly from 6 percent to 5.25 percent, and growth accelerated again.

But the consensus of expert opinion held that this new prosperity could not possibly last. In the *New York Times* in February 1996, economist Paul Krugman ridiculed high-growth proponents like financier Felix Rohatyn (and me, for that matter). Such folks were living with a "delightful fairy tale," he wrote. "In fact, the so-called revolutions in management, information technology and globalization are vastly overrated by their acolytes."

Krugman was dead wrong. In fact, the next four years would see the most powerful economy in history, with gross domestic product rising an average of more than 4 percent, unemployment falling below 4 percent, the Dow doubling, inflation tame at about 2 percent—and all in the very late stages of a recovery that began in 1991.

It was just this powerful economy that presented Greenspan with his next challenge. According to prevailing theory, he should have slammed on the brakes again, raising interest rates to choke off inflation before it got started, but he held off. His suspicion was that technology was increasing the output of workers. If that was true, then inflation would not have to be the inevitable byproduct of low unemployment and high growth—the relation enshrined in the Phillips Curve, which dominates macroeconomic thinking.

"Greenspan," Woodward writes, "had been questioning the official productivity numbers for almost three years." These figures showed that productivity—that is, the economy's output for a given input—was still stagnant. He asked Larry Slifman, a top Fed economist, to run the numbers a different way. When he did, he found that, indeed, the traditional figures were flawed. "There was a real world out there," Woodward paraphrases Greenspan, "and they were not measuring it properly." The chairman's conclusion was that "the dominant feature of the outlook was uncertainty. Since higher inflation was not a foregone conclusion, it would be best to do nothing."

So, for three years (with the exception of a quarter-point hike in 1997), the Fed held rates steady. It proved the right choice: Inflation did not increase; in fact, growth of the consumer price index dropped to 1.5 percent by early 1998. Still, Greenspan was not sure if this productivity growth, which had begun to show up dramatically in the statistics, was real. On December 5, 1996, at the

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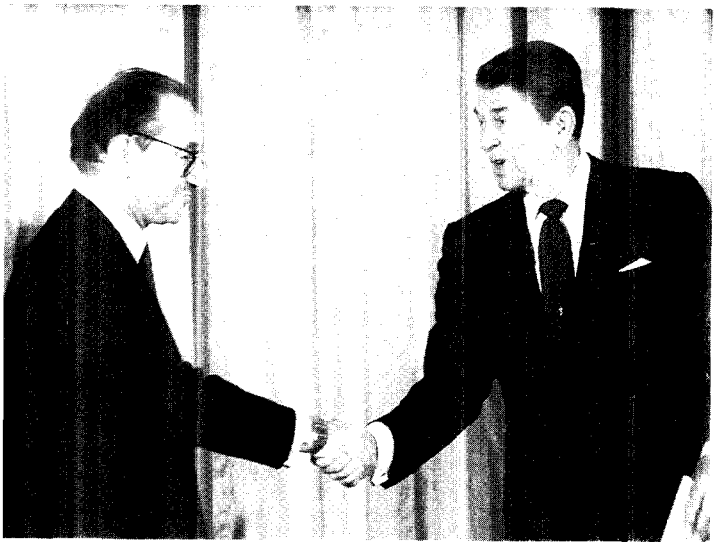

Left: AP Photo / Nick Ut. Right: AP Photo / Barry Thumas.

annual dinner of the American Enterprise Institute, he warned of "irrational exuberance" in the stock market, implying that shares might be in a bubble, puffed up by enthusiastic investors who had lost sight of the fundamental value of the businesses they were buying. At the time, the Dow was at 6,437, and investors who sold out at the chairman's warning missed gains of 70 percent or more. Greenspan issued similar warnings later but then, suddenly last year, changed his tune. In a series of speeches, he made it clear that something really was happening in the economy that was different, and that the rise in stock prices—not to mention the condition of high growth and low inflation in the economy—wasn't so irrational after all.

The question is why, and the answer is productivity growth. Since 1995, output per hour has been rising at 3.5 percent annually—twice the rate of the preceding quarter-century. The reason is technology, but not just any technology:

> The development of the transistor after World War II appears to have initiated a special wave of innovative synergies. It brought us the microprocessor, the computer, satellites, and the joining of laser and fiber-optic technologies. By the 1990s, these and a number of lesser but critical innovations had, in turn, fostered an enormous new capacity to capture, analyze, and disseminate information. It is the growing use of information technology throughout the economy that makes the current period unique.

Still, it was only in the mid-1990s that the full value of computer power was realized "after ways had been devised to link computers into large-scale networks." Then, Greenspan gets to his revolutionary idea:

> At a fundamental level, the essential contribution of information technology is the expansion of knowledge and its obverse, the reduction in uncertainty. Before this quantum jump in information availability, most business decisions were hampered by a fog of uncertainty. . . . In that environment, doubling up on materials and people was essential as a backup to the inevitable misjudgments of the real-time state of play in a company. Decisions were made from information that was hours, days, or even weeks old.

But no more. Computers networked by the Internet reduce risk and raise productivity. Businesses get more output from the same inputs because they know more about what's happening within their own factories and stores and within their markets. The traditional business cycle works this way: Prosperity reduces unemployment and increases the demand of consumers for more goods. That demand bumps up against supply, which can't catch up. So prices rise. The Fed comes in with interest-rate increases to stop inflation, and the economy slows down, usually into a recession. Then the process begins again. But under Greenspan's model, supply *does* keep up with demand because productivity increases output. So inflation remains tame. At the same time, the reduced risk raises the value of the underlying assets of a corporation, so its stock-market value rises.

Greenspan's model makes sense of the late 1990s. The problem is that he himself seems unconvinced.

The two new books that treat the life and times of Alan Greenspan are remarkably complementary. *Maestro: Greenspan's Fed and the American Boom*, the eighth book about government by Bob Woodward, begins in 1987 with Volcker's decision to retire. There are only brief flashbacks to Greenspan's childhood, his years as a musician and a Randian Objectivist, his career as an economic consultant, and his years on Ford's Council of Economic Advisors. *Maestro* is typical Woodward, for good and bad. The good is that he shows, in wonderful detail, how Greenspan made decisions—and you feel you're right there.

Woodward is evenhanded, intelligent, and clear, and even though it's obvious that finance isn't his favorite subject, he makes no mistakes and describes arcane procedures well. The bad is that Woodward is often an awkward writer ("Greenspan and he would be number one and two at one of the most important arms of the most important government in the world") and, as usual, provides infuriatingly limited notes. "The core of this book," he writes in the acknowledgments, "comes from more than one hundred sources who agreed not to be revealed." One, evidently, is Greenspan. Woodward asks the reader to trust him—and while in general I do, I want to know who told him what so I can apply my own judgment. I suspect Woodward, like any journalist, goes easy on his best sources—maybe even Greenspan and Clinton.

Since Justin Martin, a former staff writer for *Fortune* magazine, lacks Woodward's reputation, he has to make up for it with more candor and hard work. He has talked to *everyone*—except, it appears, Alan Greenspan, Bill Clinton, and George Bush—and he's talked

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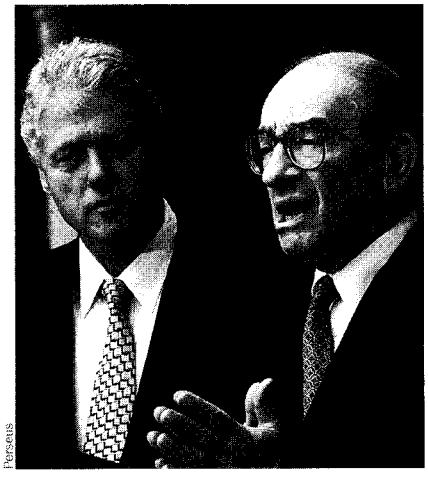
to them on the record: Gerald Ford, James Baker, Milton Friedman, Henry Kissinger, Greenspan's ex-wife Joan Mitchell Blumenthal, his current wife Andrea Mitchell, his high school girlfriends, nearly every important Fed governor who is still alive, and on and on. But, curiously, Martin seems to have made no use of the treasure trove of verbatim transcripts that the Fed began releasing recently (with a five-year lag) of its Federal Open Market Committee meetings. Those transcripts (more than the highly touted off-the-record interviews) form the core of Woodward's book. They reveal Greenspan as a tough, smart politician and an intellectual with an open mind. When the FOMC gathers, the chairman, as Woodward points out, traditionally gets his way, but there is always the chance that he won't, and, if he doesn't, he's through. Greenspan—who seems to have known every important person of the second half of the twentieth century, from Stan Getz to John F. Kennedy—makes abundant friendships and seems genuinely interested in other people's lives. He is far more the son of his gregarious mother Rose than of his distant father Herbert, a stockbroker and economic consultant.

Martin's book, in contrast to Woodward's, has the form of a conventional biography. (And, by the way, the pictures Martin includes are terrific, especially one with Ayn Rand and one of his bubbly mom when Ford was swearing Greenspan in as CEA chairman). We don't get around to Greenspan's appointment as Fed chairman until we're two-thirds through. We learn, however, that, "by the age of five, he was able to add up three-digit numbers in his head" and his "mother often trotted him out to do this trick to impress guests and neighbors."

Unfortunately, Martin's prose is often excruciating, full of clichés and mixed metaphors. I nearly put the book down on the very first page when I read in the acknowledgments: "My research assistant for this project was Stephen Norton. . . . As Frank Lloyd Wright famously said, 'God is in the details.' Stephen helped dig them up in spades." But I persevered—and Norton and Martin prove to have done a lot of digging. They provide fascinating details on the Rand circle (Greenspan's first wife, Joan Mitchell, was a Randian who later married another Randian, Allan Blumenthal, who was the cousin of Nathaniel Branden, Rand's most devoted follower). Martin spends a whole chapter on Greenspan's career as a musician, attending Juilliard and playing saxo-

Simon & Schuster



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phone and clarinet with Harry Jerome's touring band (along with Leonard Garment, another saxophonist who later became counsel to President Nixon). Greenspan was quoted in Stephen Beckner's 1996 book, *Back from the Brink*, as saying, "I was a pretty good amateur musician, but I was average as a professional, and I was aware of that, because you learn pretty quickly how good some professional musicians are. I realized it's innate. You either have it or you don't."

That insight turns out to be important. Greenspan's own innate gift was for numbers—specifically, for assimilating complex economic data, and then making intuitive decisions, as he did both in raising rates in 1994 and in holding them steady during the boom after 1996. When the president named Greenspan to a fourth term in January, Clinton told him, "You know, I have to congratulate you. You've done a great job in a period when there was no rulebook to look to."

Greenspan has been writing his own rulebook, but, as a great assimilator, he can't be sure how many of his New Economy ideas to include. Greenspan's great talent is eclecticism—strange as that may seem for someone who sat at the feet of a dogmatist like Ayn Rand—and, in recent years, I wish he had had more faith in his own new ideas and less in the macroeconomics of the past.

In June 1999, with inflation at a modest 2 percent, Greenspan began raising the Fed funds rate again. The FOMC hiked it six times, ultimately to 6.5 percent: the highest rate since 1991, when inflation, by contrast, was over 5 percent. If Greenspan believed his own model—a New Economy, with technology-driven productivity holding down inflation—why was he pushing up rates so aggressively? Neither Woodward nor Martin (who abruptly ends his book in 1998) has an explanation.

The recent rate hikes ended last summer, and the total increase—1.75 percentage points—was only a little more than half the tightenings of the late 1980s and mid-1990s. Still, Greenspan seems to have gone too far—especially with the double whammy of a spike in oil prices, which always slows growth. My guess is that the chairman has engineered another soft landing—though why a landing at all? This economy *can* grow at 4 percent without significant inflation, and the Fed should let it.

Meanwhile, of all the alternatives out there, Greenspan is far ahead of whoever is in second place—a fact that George W. Bush or Al Gore should keep in mind when the chairman's fourth term ends. How good is Alan Greenspan? Oh, he's very good. ♦

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His Daughter's Way

Tina Sinatra's voyage around her father.

BY DAVID EVANIER

Frank Sinatra is too much with us, judging from the latest spate of books about him and his music. In Bill Zehme's *The Way You Wear Your Hat*, we learn that by the time Frank Sinatra was thirty, the singer owned three private jets, drank a bottle of Jack Daniels a day, and had given away hundreds of pinkie rings, watches, cuff links, and fifty thousand dollars' in gold cigarette lighters. J. Randy Taraborrelli's *Sinatra: A Complete Life* counts the number of Frank's facelifts and toupees.

My Father's Daughter
A Memoir
by Tina Sinatra with Jeff Coplon
Simon & Schuster, 313 pp., $26

Shawn Levy's *Rat Pack Confidential* is smart and lively, in spite of its obsessiveness. At one point Levy relates every aspect of the Vegas nightclub act with eerie, claustrophobic accuracy. John Lahr's *Sinatra: The Artist and the Man* is an eloquent and insightful distillation of the man's life. But the facts, so familiar from so many other books, weigh down the discussion. Yet Lahr does fresh things with them. Writing of Sinatra's self-consciousness about his New Jersey accent, Lahr notes that when he sang,

> He didn't just sing a song; he made it his own. He brought a special urgency to his proprietorship. . . . Once he was inside the lyric, he had command of the language that he found paralyzing elsewhere. When he opened his mouth in song, he was calm; he was smooth; he was sensitive; he had no hint of the Hoboken streets in his pronunciation; what he called his 'Sicilian temper' was filtered through the charm of lyrics and music into poetic passion.

His first wife, Nancy Sinatra Sr., told Lahr that "the facade of being macho and strong grew as his career grew. He became part of that image. He was never quite that at all, believe me." And daughter Tina Sinatra said to Lahr, "Underneath there is something quite—I don't want to say 'sensitive,' because that's an understatement—underneath there is a delicate, fragile boy." This is the part that Tina tries to capture in her new memoir—not to apologize for her father or to feminize him, but to explain him.

Tina's *My Father's Daughter* is certainly the work of a grieving daughter. It has scores to settle, mainly with a detested stepmother, but the book is more of an outcry than a diatribe. And it has the unsettling ring of truth to it. This is not simply the Sinatra of swagger and danger, but neither is it the devotional portrait that daughter Nancy presented in her two books. Tina gets under her father's skin, writing about the years when he was old and debilitated as well as the years when he was young and terrifyingly successful.

The result is a humanizing picture of someone who was the king of show business—almost, it sometimes seemed, king of the world. There was the sheer breadth and scope of his career. William B. Williams, disc jockey at WNEW, the flagship Sinatra station in New York, called him "the most imitated, most listened to, most recognized voice of the second half of the twentieth century." Kings and queens, presidents, dozens of beautiful movie stars from Ava Gardner to Marilyn Monroe to Lauren Bacall to Lana Turner, and countless artists and writers adored him. He appeared in 60 films, was omnipresent on records (between 1958 and 1966 he had twenty Top Ten albums), in film and television, in night clubs, concert halls, and sports arenas. For fifty years he was at the top of the heap. And it was all deserved. Hearing his voice could be a revelation as powerful as any experience of high art. It was like spring water to the spirit.

All pictures: Simon & Schuster.

By 1941 he was *Billboard*'s best male vocalist of the year, and in 1943 his singing created pandemonium among the teenagers at Manhattan's Paramount. His weekly salary went from seven hundred and fifty dollars to twenty-five thousand. Arnold Shaw, an early biographer, wrote that "Girls hid in his dressing rooms, in his hotel rooms, in the trunk of his car." But only a few years later, Sinatra was a has-been. He had alienated his fans by his extramarital affairs, leaving his wife Nancy and marrying Ava Gardner in 1951 and allowing himself to be seen and photographed with wise guys. Suddenly he was down and out. He

David Evanier, novelist and screenwriter, is the author of Making the Wise Guys Weep: The Jimmy Roselli story.

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lost his agent, his Columbia recording contract, and his MGM movie contract. No one would hire him. "People scattered like a bomb had hit," singer Jimmy Roselli said in an interview.

But then the resilient Sinatra made his comeback. In 1953 he had his first acting triumph in *From Here to Eternity*, for which he received an Academy Award. He had also found a brilliant arranger in Nelson Riddle at Capitol, who brought out the cosmopolitan swagger and virility, the ability to swing up-tempo or express the most vulnerable romantic longing in ballads. He had elevated popular song into an art, and himself into the most haunting singer of all time.

Such was the span of his career that he campaigned for FDR, produced JFK's inaugural gala in 1961, and sang at the inaugural gala of Ronald and Nancy Reagan. "May you live to be one hundred and may the last voice you hear be mine," he would toast to his audiences. Although he stayed on the very top through the mid-1990s, the voice began to give way long before. When, in the 1970s, he made another one of his comebacks for "The Main Event" at Madison Square Garden, his voice sounded thin and coarse. (Some of the songs on the recording of the event were actually re-recorded for the album, technically enhanced.) How did he keep his hold on his audience? Sometimes it was pure ego and chutzpah, and sometimes it was his singular talent for intonation, phrasing, acting, and artistry.

Though the drinking, smoking, screwing around, and insomnia took their toll, even in his later years Sinatra appeared to have something in reserve. In concert his voice grew strong in the later songs, slowly building to do wondrous things. On the last video about his life, *The Best Is Yet To Come*, Sinatra's voice was a croak in many of the concert snippets. But in a 1984 recording session with Quincy Jones, Sinatra gave one of the greatest performances ever in his rendition of "Mack the Knife," which he reinvented by paying tribute to other singers who gave it life: Louis Armstrong, Ella Fitzgerald, and Bobby Darin. In the video, a seemingly reborn Sinatra gives it a whole new swing as the camera swings to arranger Quincy Jones jumping up and down with excitement.

Frank Sinatra and Ava Gardner in 1951

He was always a creature of extremes. He was sometimes a thug, for example, trying to protect his image by pulverizing his critics. It was unnecessary. What mattered was the talent. But he had other qualities. He was an unceasing battler against racial injustice and anti-Semitism from early on; he was endlessly, extravagantly, and often anonymously generous toward those in great need. In everything, he went the extra mile.

And then he turned mortal. In the final years Sinatra was often walked or carried around the stage by Steve Lawrence and Eydie Gorme. There was almost no voice left. He forgot lyrics; he couldn't see the teleprompter; he had two hearing aids. In 1994 he collapsed during a concert in Richmond, Virginia, hitting the stage with a thud. Frank Jr., who was conducting the orchestra, ran to his father, crying out, "He's alive." Sinatra gave his final performance in 1995, and soon after that, he began a final physical decline. He was haunted by the deaths of so many of his peers: Dean, Sammy, Ella, Duke Ellington, Count Basie—the list went on and on. When told in 1992 that his longtime pal and bodyguard Jilly Rizzo had been killed in a car accident, he sank to his knees.

A photograph in Nancy Sinatra's *Frank Sinatra, My Father* shows Frank at twenty-four with his bride Nancy, standing on a Hoboken street in 1939. They look like kids barely out of high school. Nancy is pregnant, and politely covers her stomach by holding a large white hat with a ribbon over it. She is wearing a simple flowered dress; Frank wears a casually untucked open shirt that might have come from Klein's or J.C. Penney and a scruffy pair of white chinos. Behind them is a Hoboken street: the S&W Gold Exchange, a sign shop, a parking lot for fifteen cents an hour, the Wonder Bar, and "The New Hippodrome: Hats Cleaned and Blocked Like New; Suits Sponged While You Wait." The couple looks very happy; it is a picture of innocence. In 1951, after twelve years of

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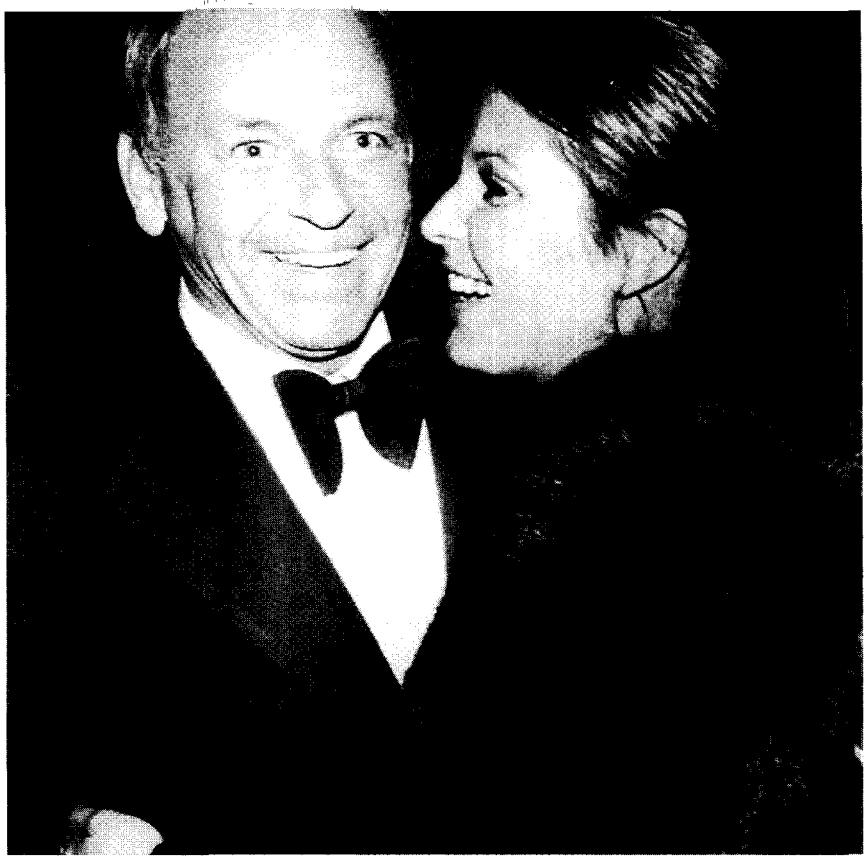

Frank and Tina Sinatra in 1974

marriage, Frank left her. For his daughter Tina, and perhaps for Sinatra himself, it was the mistake of his life.

Sinatra never resolved his tangled, impossible relationships with women. His mother Dolly looms large as a reason. John Lahr writes that "The public took Sinatra in with an affectionate avidity that he could never call forth from his mother." For Dolly "[He] could do no wrong and do no right," even though Frank provided her with a five-bedroom house in Rancho Mirage with a gardener, cook, three maids, and security guards. Frank married his mother, according to Tina, when he married Barbara Marx. Like Dolly, Barbara was never satisfied, no matter how many jewels and millions Frank tossed at her.

Meanwhile, Nancy Sr. waited for him, keeping jars of her spaghetti sauce in the refrigerator for whenever he came over, and delivering her eggplant parmigian to him by a limousine service. Apparently, she did not always wait in vain. Tina suggests there were interludes of intimacy between Frank and Nancy for perhaps twenty years after their divorce. In Tina's telling, Nancy continued to love Frank, despite everything—infidelity, divorce, and his other marriages. There was one thing she couldn't forgive. In 1978 Frank sought and received an annulment of his and Nancy's marriage before he went on to remarry Barbara in a Catholic ceremony.

But it is clear from Tina's book that even then, Nancy never stopped loving Frank. In 1983, Tina writes, Sinatra called his former wife, crying, and said "I never should have left you. I never should have left home." The most moving scene, however, came in 1994, when an elderly Sinatra was driven to Nancy's home, resolved to leave Barbara and begin anew with Nancy. But he remained in the car, unable to move. Tina records the many times her father expresses guilt about his life. "At bottom, my father didn't think he deserved to be happy."

Tina's account of the second decade of Sinatra's last marriage is a brief against her stepmother. She accuses Barbara of benign neglect, over-medicating her father, exacerbating his mental deterioration and confusion, isolating him from family and friends, manipulating him to gain more and more financial control, and ridiculing him as a "has-been." (Frank's mother also took a dim view of Barbara; when she first met her, writes Tina, she told Frank, "I don't want no whoo-er coming into this family.")

It is difficult to unravel all this, but certain scenes haunt the memory. Near the end, Tina succeeded in improving her father's medication regimen, and he was well enough to make his last appearance in a film she was producing in Toronto. She awaits his arrival there. "As the bus pulled up," she writes, "and Dad saw the sea of lights and people at our location, he started slapping on the window with both hands, shouting my name."

Then a heart attack further enfeebled Sinatra, now in a wheelchair, when he was eighty-one:

> I joined him in his room. He looked so small and vulnerable lying there. I crept to his bedside and laid my head on his mattress. I just wanted to be close to him. I hadn't cried in front of Dad, and I didn't want to frighten him, but now I could not stop myself. I softly wept. Then I felt a hand on my head, stroking my hair. I looked up—his eyes were open.

In the last year of his life, Sinatra could turn on the TV and watch the ceremony awarding him a Congressional Gold Medal. On his last birthday, he saw on TV the Empire State Building bathed in blue lights in his honor. And through his window, he looked up at the sky and saw a skywritten heart with the name, "Francis," in the middle of it—an anonymous gift from a fan. The honors kept coming. But, although Barbara was around, he spent most of his time alone.

As Tina's memoir makes clear, Frank Sinatra was sometimes an absent father, but always a loving one. His was certainly not a gentle life, but in the words of Shakespeare's Antony, "the elements so mixed in him, that Nature might stand up and say to all the world, 'This was a man.'" ♦

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Andrew Sullivan: International Man of Mystery

Exhibit 1

The Sunday Times of London
November 12, 2000

The great divides that have left a whole nation in limbo
By Andrew Sullivan

The election shows how America is split between town and country, man and woman, black and white.

If you can, cast your mind back to what India looked like before Pakistan and Bangladesh split off. A vast subcontinent, overwhelmingly Hindu, was framed by a Muslim necklace.

Now look at the current electoral map of the United States. It's a vast continent, overwhelmingly conservative, with a liberal fringe up and down the Pacific Coast, sprawling along the Canadian border with a blob around Chicago, and then on to the northeast corridor and further south to Florida's easternmost shore.

If last week's election proved anything, it is that America is currently two nations, as culturally and politically alien as they are geographically distinct. You have the coasts and the heartland, cities and countryside, elites and masses, men and women. In each pair, one means Republican; the other means Democrat.

The New York Times
November 26, 2000

Two Nations, Undivided
By Andrew Sullivan

If you take a look at that remarkable postelection map, in which all of George W. Bush's states are red, and all of Al Gore's states are blue, you would be forgiven for thinking that we live in essentially two nations. A friend recalled the map of pre-independence India: a vast, red Hindu subcontinent adorned with a Muslim necklace in the regions that would shortly become Pakistan and Bangladesh. . . . The professional political classes' careers were at stake, but many others saw it as a bitter fight over not very much. . . . The distinctions between the major candidates were, on a cosmic level, trivial. . . . It's easier, of course, to put them into neat, little boxes: red and blue, right and left, heartland and coasts. But if this election showed anything, it is that the political need for this simplicity is almost proportional to its disappearance in our lives.

Exhibit 2

The Sunday Times of London
November 26, 2000

Gore plots next step in 'legal coup'
By Andrew Sullivan

This endgame is enough to make any fair-minded person realise that Gore is a danger to the country and the constitution. He is beginning to make Richard Nixon look magnanimous and Bill Clinton look honest. I once believed that he was a good man, of serious purpose and honest intent. That belief is no longer tenable.

He is a coldly ambitious man who is prepared to hold the country hostage to this trauma indefinitely and destroy his party's slow march back to the centre of American politics in the process.

We should all be praying that he does not make it to the White House.

The New Republic
November 27, 2000

Chill
By Andrew Sullivan

So relax and enjoy. As I write, I still don't know who will be president-elect. But you know what? It doesn't matter that much. The differences are now so small that it will matter little who walks away with the Oval Office.

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Merger Policy in Changing Hospital Markets

Daniel Kessler is a research fellow at the Hoover Institution.

Mark McClellan is a national fellow at the Hoover Institution.

How should the government evaluate hospital mergers? Mergers can allow hospitals to consolidate out-of-date facilities, share management expertise and decision support systems to improve patient care, and reduce administrative costs. On the other hand, **mergers can lead to higher costs and lower quality by reducing competition.**

Some experts argue that mergers might be beneficial even if they have anticompetitive effects because they could reduce the tendency of hospitals to spend excessively on technology and procedures that produce minimal benefits for patients. The argument that competition does not make patients better off has led to other steps to limit it, such as regulations limiting the ability of hospitals to add new technologies. But the studies supporting this view are largely based on data from the 1980s, before managed care changed how hospitals and doctors compete.

We examined the likely effects of mergers on the cost and quality of medical treatment by evaluating differences in the care that patients receive in more-competitive versus less-competitive hospital markets and in markets with high versus low levels of managed care. We used 1990s national data on Medicare beneficiaries with heart disease.

Our results show that competition has important benefits for patients. Competition among hospitals led to lower costs and lower rates of adverse health outcomes, holding constant other characteristics of markets and patient populations. It was approximately 8 percent more costly to be treated in the least competitive fourth of hospital markets, as compared to the most competitive fourth. Furthermore, the quality of care in competitive markets was higher. Elderly patients in the least competitive fourth of hospital markets were 1.5 percentage points more likely to die within one year of their heart attack than those in the most competitive areas. Patients from the least competitive markets also experienced higher rates of readmission for some cardiac complications, suggesting that the additional survivors attributable to competition in hospital markets were not in especially marginal health.

We also found that mergers may have benefits through reducing "excess capacity." Patients from markets with more hospital beds per capita experience more costly treatment and have greater mortality (although they have lower rates of some complications). Similarly, other researchers have found that institutions treating higher volumes of patients can achieve better outcomes and fewer cost-increasing complications.

To the extent that mergers reduce competition and reduce excess capacity, our results suggest that policy analysis should balance these two consequences in deciding whether and how a merger should be approved. For example, a merger in a competitive hospital market should be treated more leniently than a merger in an uncompetitive market. We also found that the benefits of competition were greater in areas with high levels of managed care enrollment but that the costs of excess capacity were similar, suggesting that mergers in areas with a substantial managed care presence should be treated more strictly. Additional analyses will be helpful, particularly on the consequences of mergers for younger patients and patients with other illnesses. But to encourage high-quality care in a cost-effective way, government regulation needs to evolve along with health care markets.

— Daniel Kessler and Mark McClellan

Paid for by the Hoover Institution, Stanford University.

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